

# WESTERN AUSTRALIAN GOVERNMENT Gazette



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Advertisers are advised to note the following changes to publication dates for *Government Gazette* over the Easter period 1998.

There will be no edition for TUESDAY 14 APRIL.

### EASTER ISSUES:

**THURSDAY 9 APRIL** (Copy closes Tuesday 7 April at 12.00 noon)

**FRIDAY 17 APRIL** (Copy closes Wednesday 15 April at 12.00 noon)

Any enquiries should be directed to John Thompson, Phone (08) 9426 0010

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**PROCLAMATIONS**


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AA101\*

**TRANSFER OF LAND ACT 1893**  
**TRANSFER OF LAND (REVESTMENT)**

PROCLAMATION

WESTERNAUSTRALIA  
 P. M. Jeffery,  
 Governor.  
 [L.S.]

} By His Excellency Major General Philip Michael  
 Jeffery, Companion of the Order of Australia, Officer  
 of the Order of Australia (Military Division), Military  
 Cross, Governor of the State of Western Australia.

DOLA File: 05735-1950-25RO.

Under Section 243 of the Transfer of Land Act 1933, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land described in the Schedules to this Proclamation.

Given under my hand and the Seal of the State on 10 March 1998.

By His Excellency's Command,

D. J. SHAVE, Minister for Lands.

GOD SAVE THE QUEEN !

Schedule I

DOLA File	Description of Land	Certificate of Title	
		Volume	Folio
2400/997	Lot 101 on Plan 21970 (now Canning Location 4157)	2102	499
2435/997	Lot 109 on Plan 21969 (now Canning Location 4159)	2103	929
463/998	Lot 1823 on Diagram 90213 (now Jandakot Agricultural Area Lot 710)	2089	98
758/995	Part of Lot 12 on Diagram 88511	2115	761
2436/978	Lot 26 on Plan 13394 (now Cockburn Sound Location 4371)	1701	485
2383/997	Lot 141 on Plan 21510 (now Cockburn Sound Location 4366)	2119	799
609/998	Herdsmen Lake Suburban Lot 489 (now Herdsmen Lake Suburban Lot 498)	2099	123
1254/975	Part of Lot 18 on Plan 2787	942	166

Schedule II

DOLA File	Description of Land
1254/975	Part of the land coloured brown and marked R.O.W. on Plan 2787 being portion of the land comprised in Certificate of Title Volume 408 folio 119.

AA102\*

**TRANSFER OF LAND ACT 1893**  
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 Jeffery, Companion of the Order of Australia, Officer  
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GOD SAVE THE QUEEN !

## Schedule I

DOLA File	Description of Land	Certificate of Title	
		Volume	Folio
467/998	Lot 39 on Plan 20086 (now Kent Location 2163)	2016	899
588/997	Lot 1010 on Plan 22006	2115	518
1904/996	Lot 1002 on Plan 22375 (now Swan Location 12868)	2119	445
1565/946	Part of Lot 1 on Diagram 85742	2115	137
3836/976	Lot 360 on Diagram 74424 (now Canning Location 4172)	1813	250
1840/987	Lot 1134 on Plan 15191 (now Swan Location 12876)	1711	259
2113/997	Lot 399 on Plan 22060 (now Jandakot Agricultural Area Lot 706)	2108	758
2182/986	Lot 117 the subject of Diagram 87963 ( now portion of Wellington Location 5824	2028	922
2182/986	Lot 115 on Plan 18918 (now portion of Wellington Location 5824)	2002	952
2182/986	Lot 131 on Plan 17521 (now Wellington Location 5825)	1879	23

## Schedule II

DOLA File	Description of Land
2032/996	The area coloured blue and marked Drain Reserve on Plan 10513 being the balance of the land contained in Certificate of Title Volume 831 Folio 58 (now Swan Location 12641).
1415/987	Portion of Perthshire Location A <sup>U</sup> and being the portion coloured brown and marked R.O.W. on Diagram 29790 and being part of the land contained in Certificate of Title Volume 1290 Folio 394.

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## CONSERVATION AND LAND MANAGEMENT

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**CM301\***

CONSERVATION AND LAND MANAGEMENT ACT 1984  
**CONSERVATION AND LAND MANAGEMENT AMENDMENT  
REGULATIONS 1998**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Conservation and Land Management Amendment Regulations 1998*.

**Regulation 6 amended**

2. Regulation 6 (5) of the *Conservation and Land Management Regulations 1992\** is amended by deleting "20 cents" and substituting the following—

" 40 cents ".

[\* *Published in Gazette 20 March 1992, pp. 1246-50.*

*For amendments to 23 January 1998 see 1996 Index to Legislation of Western Australia, Table 4, p. 44.]*

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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## ENERGY

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**EC401\***

GAS CORPORATION ACT 1994  
GAS TRANSMISSION REGULATIONS 1994  
**GAS TRANSMISSION (APPROVED DETERMINATION OF GAS  
QUALITY SPECIFICATIONS) NOTICE 1998**

Given by the Coordinator under regulation 201 (2) of the *Gas Transmission Regulations 1994*.

**Citation**

1. This notice may be cited as the *Gas Transmission (Approved Determination of Gas Quality Specifications) Notice 1998*.

**Approved determination of gas quality specifications**

2. (1) For the purposes of regulation 201 (1) (a) of the *Gas Transmission Regulations 1994* the corporation with the approval of the Coordinator has determined the gas quality specifications for category A gas, category B gas and category C gas in accordance with the table set out below.

(2) I approved the corporation's determination on 23 February 1998 with effect from 8.00 am on that date.

Component	Category A Gas	Category B Gas	Category C Gas
Maximum carbon dioxide (mol %)	3.6	4.0	4.0
Maximum inert gases (mol %)	5.5	6.0	6.0
Minimum higher heating value (MJ/m <sup>3</sup> )	37.3	37.3	37.3
Maximum higher heating value (MJ/m <sup>3</sup> )	42.3	42.3	42.3
Minimum Wobbe Index	47.3	47.3	47.3
Maximum Wobbe Index	51.0	51.0	51.0
Maximum total sulphur (mg/m <sup>3</sup> )			
—unodorised gas	10	10	10
—odorised gas	n/a	20	20
Maximum Hydrogen Sulphide (mg/m <sup>3</sup> )	2	2	2
Maximum Oxygen (mol %)	0.2	0.2	0.2
Maximum Water (mg/m <sup>3</sup> )	48	48	48
Hydrocarbon dewpoint over the pressure range 2.5 to 8.72 MPa absolute	Below 0°C	Below 0°C	Below 0°C
Maximum radioactive components (Bq/m <sup>3</sup> )	600	600	600
Minimum extractable LPGs (t/TJ)	1.45	n/a	n/a

LES FARRANT, Coordinator of Energy.

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## ENVIRONMENTAL PROTECTION

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**EP301\***

## ENVIRONMENTAL PROTECTION ACT 1986

**ENVIRONMENTAL PROTECTION (FIBRE REINFORCED PLASTICS)  
REGULATIONS 1998**

Made by the Governor in Executive Council on the recommendation of the Environmental Protection Authority.

**Citation**

1. These regulations may be cited as the *Environmental Protection (Fibre Reinforced Plastics) Regulations 1998*.

**Interpretation**

2. (1) In these regulations—

“**fibre reinforced plastic**” means plastic produced using a process in which fibres are used to reinforce a resin which has been pre-treated with a catalyst;

“**fibre reinforced plastics manufacturing**” means the manufacturing of products from fibre reinforced plastic;

“**operator**” means a person carrying on fibre reinforced plastics manufacture;

“**resin**” means a solid, semi-solid or liquid organic material which is used as a base in the manufacture of fibre reinforced plastics;

“**solvent**” means acetone, ethyl acetate, ethanol or any other chemical used for dissolving other chemicals in the manufacture of fibre reinforced plastics.

(2) In these regulations a reference to “**the premises**” in relation to an operator is a reference to the premises at which the operator carries on fibre reinforced plastics manufacturing.

**Use of resins and solvents**

3. (1) An operator must—

(a) store all resins, solvents and products containing solvents kept on the premises in airtight containers; and

(b) keep those containers sealed except when they are being filled or the contents are being removed.

(2) An operator must not expose to the atmosphere at any time more resin than is necessary for the purpose for which the resin is being used.

(3) An operator must—

- (a) keep a supply of absorbent material on the premises;
- (b) use that material to immediately mop up any spillage of resin, solvent or a product containing solvent; and
- (c) keep any material which has been so used in an airtight container until it is disposed of in accordance with regulation 6.

#### **Use of low styrene emission resin**

4. (1) An operator must not use resin other than low styrene emission resin in fibre reinforced plastics manufacturing unless—

- (a) a particular application requires certain physical or chemical properties which cannot be achieved using low styrene emission resin;
- (b) the resin is a gel coat; or
- (c) the resin is being used in a closed moulding process.

(2) In subregulation (1)—

“**gel coat**” means an outer layer of resin which is used on fibre reinforced plastic to improve surface properties;

“**low styrene emission resin**” means a resin with a maximum emission rate of 20 grams of styrene per square metre of resin per half hour at 23°C, as determined using the method set out in Schedule 1.

#### **Control of dust**

5. An operator must ensure that no visible dust created during fibre reinforced plastics manufacturing escapes from the premises.

#### **Disposal of waste material**

6. An operator must dispose of all waste produced during fibre reinforced product manufacturing at an appropriate landfill site or waste treatment facility the occupier of which holds a licence under Part V of the Act in respect of that site or facility.

#### **Offence**

7. A person who contravenes these regulations commits an offence.

Penalty: \$200.

#### **Repeal**

8. The *Clean Air (Control of Fibreglass Fumes and Dust) Regulations 1982* are repealed.

### **SCHEDULE 1**

[Regulation 4]

#### **TEST PROCEDURE TO DETERMINE STYRENE EMISSION RATES**

##### **Aim**

This test method gives an indication of the rate of styrene loss from a typical Chopped Strand Mat (CSM) contact moulded laminate, with a surface open to the atmosphere.

##### **Theory**

A single layer of CSM is impregnated with the uncatalysed resin and supported on an accurate direct reading top pan balance in a draught-free room at 23°C. The loss in weight in grams per square metre is recorded against time.

##### **Apparatus**

1. Direct reading top pan balance accurate to 0.01 g.
2. Polyethylene terephthalate film (Melinex).
3. Glass fibre chopped strand mat—emulsion bound—450 g/m<sup>2</sup>.
4. A draught-free room of 50 cubic metres minimum volume, controlled at 23°C±1°C.
5. Optional shielding as shown in Figure 1.
6. Suitable support platen 300 mm x 300 mm.
7. Glass beaker.

##### **Method**

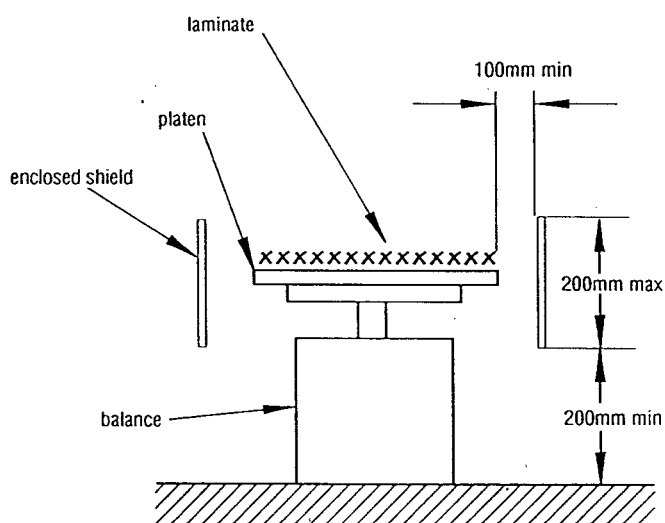
1. Set up apparatus in the draught-free room.
2. Cut and weigh a 250 mm x 250 mm section of CSM.
3. Cut a 300 mm x 300 mm square of Melinex film and mark an area of 250 mm x 250 mm on the back of the film with a marker pen.
4. Adjust the resin temperature to 23°C.
5. Place the Melinex film on the support platen. Pour a quantity of resin equal to 2.0 times the weight of the CSM from the glass beaker onto the film and spread evenly over the marked area.

6. Place the CSM sample into the resin and quickly ensure complete impregnation of the mat by gently pressing with the edge of a spatula. Within one minute, place the lay-up and the support platen on the balance and note the reading.
7. Record the weight at 2 minutes, 5 minutes, 10 minutes and thereafter at 10 minute intervals for one hour, or longer as required.
8. Repeat the procedure from 2 to 7 twice.
9. From the results, plot a graph of mean cumulative loss in weight against time.

**Items to be reported**

1. Resin identification.
2. CSM identification.
3. Actual atmospheric temperature.
4. Relative humidity.
5. Atmospheric pressure.
6. The amount of styrene ( $\text{g/m}^2$ ) emitted during 60 minutes.

**Figure 1**



Clearance between the platen and shield of 100mm

Recommended by a resolution of the Environmental Protection Authority at a meeting of the Authority on 4 February 1998.

B. K. BOWEN, Chairman.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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## FAMILY & CHILDREN'S SERVICES

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FA401

**ADOPTION ACT 1994**

I, Rhonda Parker, Minister for Family and Children's Services issue the following person with a licence to act as a Contact and Mediation Agency under Sections 105 and 106 of the Adoption Act 1994 and subject to the Adoption Regulations and Code of Practice 1995—

Joan Schutze  
19 Castlefern Way  
Duncraig WA 6023  
(Ph: 9448 5714)

Dated this 2nd day of January 1998.

RHONDA PARKER, Minister for Family and Children's Services.



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**HEALTH**

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**HE301\***

## HEALTH ACT 1911

**HEALTH (GARDEN SOIL) REGULATIONS 1998**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Health (Garden Soil) Regulations 1998*.

**Commencement**

2. These regulations come into operation on 1 July 1998.

**Interpretation**

3. In these regulations —

“**garden soil**” means any composted organic material produced with or without soil made to be used in or around a house and includes potting mixes, composts, soil conditioners, mulches and soils for landscaping and general garden use;

“**package**”, in relation to garden soil, means anything that contains or surrounds the garden soil, whether or not the garden soil is completely enclosed;

“**warning notice**” means a written notice as set out in Schedule 1.

**Application**

4. These regulations apply to all districts as if they were local laws made under the Act.

**Garden soil declared hazardous**

5. Garden soil is declared to be a hazardous substance.

**Warning notice on packaged garden soil**

6. (1) A person who sells garden soil in a package must ensure that a warning notice is printed on or adhered to the exterior surface of the package.

(2) The warning notice must be written in letters that are —

- (a) not less than 4.5 mm in height; and
- (b) clearly visible against the background.

**Warning notice to be given to purchaser of unpackaged garden soil**

7. (1) A person who sells garden soil other than in a package must ensure that a warning notice is given to the purchaser before or upon the receipt of the garden soil by the purchaser.

(2) The warning notice must be written in letters that are —

- (a) not less than 3 mm in height; and
- (b) clearly visible against the background.

**Warning notice at a place where unpackaged garden soil is sold**

8. (1) A person who sells garden soil other than in a package must ensure that a warning notice is clearly visible to any person entering or exiting the place from which the garden soil is sold.

(2) The warning notice must be written in letters that are —

- (a) not less than 50 mm in height; and
- (b) clearly visible against the background.

**Warning notice not required for plants in garden soil**

9. Nothing in these regulations requires a warning notice to be given in relation to the sale of a plant growing in a container of garden soil.

**Offences and penalties**

10. A person who contravenes a provision of these regulations commits an offence and is liable to —

(a) a penalty which is not more than \$1 000 and not less than —

- (i) in the case of a first offence, \$100;
  - (ii) in the case of a second offence, \$200; and
  - (iii) in the case of a third or subsequent offence, \$500;
- and

(b) if that offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.



**SCHEDULE 1 — WARNING NOTICE**

[reg. 4]

**Health Warning**

Garden soils contain micro-organisms that may be harmful to your health. Always wear gloves, keep damp while in use, avoid inhaling the mix and wash your hands after use.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

**HE302\***

## HEALTH ACT 1911

**HEALTH (SKIN PENETRATION PROCEDURE) REGULATIONS 1998**

Made by the Governor in Executive Council under sections 249 and 343A (1) of the *Health Act 1911*.

**Citation**

1. These regulations may be cited as the *Health (Skin Penetration Procedure) Regulations 1998*.

**Commencement**

2. These regulations come into operation on 1 June 1998.

**Interpretation**

3. In these regulations, unless the context otherwise requires —

“**client**” means a person on whom a skin penetration procedure is being, or is to be carried out, whether or not for fee, gain or reward;

“**dentist**” means a person registered as a dentist under the *Dental Act 1939*;

“**establishment**” means a premises or place or a portion of a premises or place where a skin penetration procedure is, or is intended to be, carried out in the ordinary course of a practice;

“**medical practitioner**” means a person who is registered under the *Medical Act 1894*;

“**operator**” means a person who carries out or intends to carry out a skin penetration procedure;

“**owner**”, in relation to an establishment, means —

(a) the owner of the establishment; or

(b) if the owner is not the occupier of the establishment — the occupier;

“**skin penetration procedure**” means a procedure in which —

(a) the skin is cut, punctured, torn or shaved; or

(b) mucous membrane is cut, punctured or torn.

**Application**

4. (1) These regulations do not apply to a skin penetration procedure carried out by —

(a) a medical practitioner or a dentist, where the procedure is carried out in the practice of medicine or dentistry, respectively;

(b) a person acting under the direction or supervision of a medical practitioner or dentist, where the procedure is carried out for the purpose of the practice of medicine or dentistry, respectively;

(c) a podiatrist registered under the *Podiatrist Registration Act 1984* or a nurse registered under the *Nurses Act 1992* where the procedure is carried out in the practice of podiatry or nursing, respectively.

(2) These regulations do not apply to a place that is, or is intended to be, used solely as a surgery by a medical practitioner or a dentist.

**Regulations to operate as local laws**

5. These regulations apply to all districts as if they were local laws made under the Act.

**Owner of an establishment to notify local government**

6. The owner of an establishment must notify the local government of the area in which the establishment is, or is to be, situated of the name and address of the establishment or the intended name and address of any proposed establishment.

Penalty:

- (a) in the case of a first offence — a penalty which is not less than \$100 and not more than \$1 000;
- (b) in the case of a second offence — a penalty which is not less than \$200 and not more than \$1 000; and
- (c) in the case of a third or subsequent offence — a penalty which is not less than \$500 and not more than \$1 000.

#### **Adoption of Code**

7. (1) Under section 344A (1) of the *Health Act 1911*, the Code of Practice for Skin Penetration Procedures published by the Executive Director, Public Health, and amended from time to time, under section 344A (2) of the *Health Act 1911* (referred to in these regulations as “**the Code**”) is adopted in whole.

(2) Under section 344A (3) of the *Health Act 1911*, the office of the Environmental Health Services of the Health Department of Western Australia, Grace Vaughan House, 227 Stubbs Terrace, Shenton Park, Perth is prescribed as the place at which the Code is available for public inspection, without charge, during normal office hours.

#### **Compliance with the Code**

8. (1) An owner of an establishment who does not ensure that the establishment complies with the Code commits an offence under these regulations.

Penalty:

- (a) in the case of a first offence — a penalty which is not less than \$100 and not more than \$1 000;
- (b) in the case of a second offence — a penalty which is not less than \$200 and not more than \$1 000;
- (c) in the case of a third or subsequent offence — a penalty which is not less than \$500 and not more than \$1 000; and
- (d) in the case of a continuing offence — a daily penalty which is not more than \$100 and not less than \$50.

(2) The owner of an establishment who does not ensure that a skin penetration procedure carried out on the establishment is carried out in accordance with the Code commits an offence under these regulations.

Penalty:

- (a) in the case of a first offence — a penalty which is not less than \$100 and not more than \$1 000;
- (b) in the case of a second offence — a penalty which is not less than \$200 and not more than \$1 000; and
- (c) in the case of a third or subsequent offence — a penalty which is not less than \$500 and not more than \$1 000.

(3) An operator who does not carry out a skin penetration procedure in accordance with the Code commits an offence under these regulations.

Penalty:

- (a) in the case of a first offence — a penalty which is not less than \$100 and not more than \$1 000;
- (b) in the case of a second offence — a penalty which is not less than \$200 and not more than \$1 000; and
- (c) in the case of a third or subsequent offence — a penalty which is not less than \$500 and not more than \$1 000.

#### **Infectious diseases**

9. A person who knows or could reasonably have been expected to know that he or she is or may be suffering from an infectious disease must not permit an operator to carry out a skin penetration procedure on the person unless the person has told the operator that the person has or may have the disease.

Penalty:

- (a) in the case of a first offence — a penalty which is not less than \$100 and not more than \$1 000;
- (b) in the case of a second offence — a penalty which is not less than \$200 and not more than \$1 000; and
- (c) in the case of a third or subsequent offence — a penalty which is not less than \$500 and not more than \$1 000.

#### **Health (Skin Penetration) Regulations 1987 repealed**

10. *The Health (Skin Penetration) Regulations 1987\** are repealed.

[\* *Published in Gazette 20 March 1987, pp. 952-4.*

*For amendments to 12 February 1998 see 1996 Index to Legislation of Western Australia, Table 4, p. 140.]*

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

**HE303\***

## HEALTH ACT 1911

**HEALTH (TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND LIQUID WASTE) AMENDMENT REGULATIONS 1998**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 1998*.

**Regulation 20 repealed and regulations 20 and 20A substituted**

2. Regulation 20 of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974\** is repealed and the following regulations are substituted —

“

**Application**

**20.** The regulations in this Division apply to all districts as if they were local laws made under the Act.

**Apparatus to be decommissioned in certain circumstances**

**20A.** Where a premises is connected to a sewer, the owner of those premises shall decommission any apparatus on the premises under regulation 21 —

- (a) if there is a material change in the use of the premises, not more than 60 days after the day on which the change in use occurred;
- (b) not more than 60 days after the day on which every person who was an owner of the premises at the time the premises was connected to the sewer ceases to be an owner of the premises; or
- (c) if foundations for a building on the premises are to be built closer than 1.2 metres to the apparatus or a building is to be constructed above the apparatus, before work commences on building the foundations or before the building is constructed above the apparatus, as the case may be.

”

[\* Reprinted as at 6 February 1985.

For amendments to 23 February 1998 see 1996 Index to Legislation of Western Australia, Table 4, pp. 143-4 and Gazette 1 and 29 July 1997 and 5 September 1997.]

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

**HE304\***

## POISONS ACT 1964

**POISONS AMENDMENT REGULATIONS 1998**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Poisons Amendment Regulations 1998*.

**Regulation 38A repealed**

2. Regulation 38A of the *Poisons Regulations 1965\** is repealed.

[\* Reprinted as at 4 November 1996.

For amendments to 27 February 1998 see Gazette 11 April 1997.]

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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**LAND ADMINISTRATION**

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**LA101\****CORRECTIONS*

DOLA File 11066-1898-01RD

In the notice at page 606 of the *Government Gazette* dated 3 February 1998 with respect to Reserve No. 6245 the reference to “Police” is amended to read “Use and Requirements of the Minister for Works”

DOLA File 02035-1996-01RO.

In the notice at page 383 of the *Government Gazette* dated 20 January 1998 the reference to Reserve No. 45176 is amended to read Reserve No. 45293.

A. A. SKINNER, Chief Executive.

**LA201\***

**LAND ACT 1933**  
**ORDERS IN COUNCIL**  
**(REVOCAION OF VESTINGS)**

By the direction of His Excellency the Governor under Section 34B(1), the following Orders in Council and associated Vesting Orders are revoked.

DOLA File: 01110-1916-04RO.

Order in Council gazetted on 5 September 1986 vesting Reserve No. 16405 in the Water Authority of Western Australia for the designated purpose of "Water Supply and Conservation of Flora and Fauna".

Local Authority: Shire of Quairading.

DOLA File: 01799-1918-01RO.

Order in Council gazetted on 12 November 1920 vesting Reserve No. 17530 in the Honourable Minister for Water Supply, Sewerage and Drainage for the designated purpose of "Water Supply".

Local Authority: Shire of Corrigin.

DOLA File: 00306-1921-01RO.

Order in Council gazetted on 10 June 1983 vesting Class 'A'Reserve No. 17648 in the Minister for Water Resources for the designated purpose of "Water and Conservation of Flora and Fauna".

Local Authority: Shire of Lake Grace.

DOLA File: 01144-1965-01RO.

Order in Council gazetted on 24 January 1997 vesting Reserve No. 28262 in the City of Geraldton for the designated purpose of "Recreation and Conservation".

Local Authority: City of Geraldton.

DOLA File: 02908-1970-01RO.

Order in Council gazetted on 30 May 1995 vesting Reserve No. 30628 in the Shire of Quairading for the designated purpose of "Site for Club and Club Premises".

Local Authority: Shire of Quairading.

DOLA File: 03343-1976-01RO.

Order in Council gazetted on 12 August 1977 vesting Reserve No. 34789 in the Shire of Wyndham-East Kimberley for the designated purpose of "Drain".

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File 03836-1976-01RO

Portion of the Order in Council gazetted on 6 September 1996 vesting Reserve No. 35074 in the City of Gosnells for the designated purpose of "Public Recreation".

Local Authority: City of Gosnells

DOLA File: 03932-1965-01RO.

Order in Council gazetted on 21 August 1981 vesting Reserve No. 37371 in the Minister for Water Resources for the designated purpose of "Water Supply".

Local Authority: Shire of Cranbrook.

DOLA File: 01356-1983-01RO.

Order in Council gazetted on 15 July 1983 vesting Reserve No. 38313 in the Shire of Bayswater for the designated purpose of "Recreation".

Local Authority: City of Bayswater.

DOLA File: 03076-1982-01RO.

Order in Council gazetted on 6 September 1985 vesting Reserve No. 38413 in the Water Authority of Western Australia for the designated purpose of "Water Supply".

Local Authority: Shire of East Pilbara.

DOLA File: 02986-1983-02RO.

Order in Council gazetted on 19 September 1995 vesting Reserve No. 38580 in the Shire of Lake Grace for the designated purpose of "Caravan Park".

Local Authority: Shire of Lake Grace.

DOLA File: 02182-1986-01RO.

Order in Council gazetted on 2 September 1997 vesting Reserve No. 39950 in the Shire of Harvey for the designated purpose of "Public Recreation".

Local Authority: Shire of Harvey.

DOLA File: 03462-1970-02RO.

Order in Council gazetted on 12 February 1988 vesting Reserve No. 40115 in the Western Australian Fire Brigades Board for the designated purpose of "Fire Station Site".

Local Authority: City of Rockingham.

DOLA File: 01840-1987-01RO.

Order in Council gazetted on 27 June 1995 vesting Reserve No. 40213 in the Shire of Swan for the designated purpose of "Public Recreation".

Local Authority: Shire of Swan.

DOLA File: 02086-1987-01RO.

Order in Council gazetted on 6 November 1987 vesting Reserve No. 40225 in the Water Authority of Western Australia for the designated purpose of "Water Catchment Area".

Local Authority: Shire of Cranbrook.

DOLA File: 00475-1937-01RO.

Order in Council gazetted on 24 November 1989 vesting Reserve No. 41132 in the Water Authority of Western Australia for the designated purpose of "Water Supply".

Local Authority: Shire of Cue.

DOLA File: 02259-1988-01RO.

Order in Council gazetted on 12 July 1991 vesting Reserve No. 41791 in the Shire of Shark Bay for the designated purpose of "Depot Site".

Local Authority: Shire of Shark Bay.

DOLA File: 02436-1978-01RO.

Order in Council gazetted on 19 March 1996 vesting Reserve No. 42543 in the Shire of Serpentine—Jarrahdale for the designated purpose of "Public Recreation".

Local Authority: Shire of Serpentine/Jarrahdale.

DOLA File: 00758-1995-01RO.

Order in Council gazetted on 28 November 1995 vesting Reserve No. 43984 in the City of Wanneroo for the designated purpose of "Drainage".

Local Authority: City of Wanneroo.

DOLA File: 01904-1996-01RO.

Order in Council gazetted on 13 June 1997 vesting Reserve No. 44852 in the Shire of Swan for the designated purpose of "Public Recreation".

Local Authority: Shire of Swan.

M. C. WAUCHOPE, Clerk of the Council.

**LA202\***

**LAND ACT 1933**

**ORDERS IN COUNCIL**

**(VESTING OF RESERVES)**

By the direction of His Excellency the Governor under Section 33(2), the following Reserves have been vested.

DOLA File 01110-1916-04RO

Reserve No 16405 (Avon Locations 28882 and 29204) vested in the Shire of Quairading for a period of five (5) years from the date of the Vesting Order for the designated purpose of "Water Catchment and Landscape Protection".

Local Authority: Shire of Quairading.

DOLA File: 01799-1918-01RO.

Reserve No 17530 (Lomos Lot 3) vested in the Water and Rivers Commission for the designated purpose of "Water".

Local Authority: Shire of Corrigin.

DOLA File: 00306-1921-01RO.

Class 'A' Reserve No 17648 (Roe Locations 30 and 1005) vested in the Water and Rivers Commission for the designated purpose of "Water and Conservation of Flora and Fauna".

Local Authority: Shire of Lake Grace.

DOLA File: 01770-1968-01RO.

Reserve No 29741 (Swan Location 12826) vested in the Commissioner of Police for the designated purpose of "Police".

Local Authority: City of Melville.

DOLA File: 02684-1969-01RO.

Reserve No 32044 Serpentine Agricultural Area Lot 144 vested in the Shire of Serpentine-Jarrahdale for the designated purpose of "Public Recreation".

Local Authority: Shire of Serpentine/Jarrahdale.

DOLA File: 03343-1976-01RO.

Reserve No 34789 (Kununurra Lots 1239 and 2442) vested in the Shire of Wyndham-East Kimberley for the designated purpose of "Drain".

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File: 03836-1976-01RO.

Reserve No 35074 (Canning Locations 2987 and 4172) vested in the City of Gosnells for the designated purpose of "Public Recreation".

Local Authority: City of Gosnells.

DOLA File: 03932-1965-01RO.

Reserve No 37371 (Hay Location 2274) vested in the Water and Rivers Commission for the designated purpose of "Water Supply".

Local Authority: Shire of Cranbrook.

DOLA File: 01356-1983-01RO.

Reserve No 38313 (Swan Location 12774) vested in the City of Bayswater for the designated purpose of "Recreation".

Local Authority: City of Bayswater.

DOLA File: 03076-1982-01RO.

Reserve No 38413 (De Grey Location 61 and Nullagine Lots 207, 208 and 240) vested in the Water Corporation for the designated purpose of "Water Supply".

Local Authority: Shire of East Pilbara.

DOLA File: 02182-1986-01RO.

Reserve No 39950 (Wellington Locations 5518, 5564, 5599, 5648, 5709, 5806, 5824 and 5825) vested in the Shire of Harvey for the designated purpose of "Public Recreation".

Local Authority: Shire of Harvey.

DOLA File: 03462-1970-02RO.

Reserve No 40115 (Rockingham Lot 1611) vested in the Western Australian Fire Brigades Board for the designated purpose of "Fire Station Site".

Local Authority: City of Rockingham.

DOLA File: 01840-1987-01RO.

Reserve No 40213 (Swan Locations 11006, 11767, 12371 and 12876) vested in the Shire of Swan for the designated purpose of "Public Recreation".

Local Authority: Shire of Swan.

DOLA File: 02086-1987-01RO.

Reserve No 40225 (Hay Location 2350) vested in the Water and Rivers Commission for the designated purpose of "Water Catchment Area".

Local Authority: Shire of Cranbrook.

DOLA File: 00475-1937-01RO.

Reserve No 41132 (Big Bell Lot 229) vested in the Water and Rivers Commission for the designated purpose of "Water Supply".

Local Authority: Shire of Cue.

DOLA File: 02436-1978-01RO.

Reserve No 42543 vested in the Shire of Serpentine-Jarrahdale for the designated purpose of "Public Recreation".

Local Authority: Shire of Serpentine/Jarrahdale.

DOLA File: 00758-1995-01RO.

Reserve No 43984 (Swan Location 12754) vested in the City of Wanneroo for the designated purpose of "Drainage".

Local Authority: City of Wanneroo.

DOLA File: 01904-1996-01RO.

Reserve No 44852 (Swan Locations 12626 and 12868) vested in the Shire of Swan for the designated purpose of "Public Recreation".

Local Authority: Shire of Swan.

DOLA File: 00537-1998-01RO.

Reserve No 45277 (Swan Location 12828) vested in the Commissioner of Police for the designated purpose of "Police".

Local Authority: City of Melville.



DOLA File: 00467-1998-01RO.

Reserve No 45279 (Kent Location 2163) vested in the Shire of Jerramungup for the designated purpose of "Public Recreation".

Local Authority: Shire of Jerramungup.

DOLA File: 00609-1998-01RO.

Reserve No 45281 (Herdsman Lake Suburban Lot 498) vested in the City of Stirling for the designated purpose of "Recreation and Conservation".

Local Authority: City of Stirling.

DOLA File: 02400-1997-01RO.

Reserve No 45283 (Canning Location 4157) vested in the City of Armadale for the designated purpose of "Drainage".

Local Authority: City of Armadale.

DOLA File: 02435-1997-01RO.

Reserve No 45284 (Canning Location 4159) vested in the City of Armadale for the designated purpose of "Drainage".

Local Authority: City of Armadale.

DOLA File: 02113-1997-01RO.

Reserve No 45285 (Jandakot Agricultural Area Lot 706) vested in the City of Cockburn for the designated purpose of "Public Recreation".

Local Authority: City of Cockburn.

DOLA File: 00463-1998-01RO.

Reserve No 45286 (Jandakot Agricultural Area Lot 710) vested in the City of Cockburn for the designated purpose of "Public Recreation".

Local Authority: City of Cockburn.

DOLA File: 02383-1997-01RO.

Reserve No 45287 (Cockburn Sound Location 4366) vested in the City of Cockburn for the designated purpose of "Public Recreation".

Local Authority: City of Cockburn.

DOLA File: 01273-1973-01RO.

Reserve No 45289 (Badgingarra Lot 180) vested in the Shire of Dandaragan for the designated purpose of "Water Tank and Television Transmission".

Local Authority: Shire of Dandaragan.

M. C. WAUCHOPE, Clerk of the Council.

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**LA203\***

**LAND ACT 1933**

**ORDERS IN COUNCIL**

**(VESTING OF RESERVES)**

By the direction of His Excellency the Governor under Section 33(2), the following reserve has been vested.

DOLA File: 04318-1922-01RO.

Reserve No. 18089 (Kulin Lot 73) vested in the Shire of Kulin for the designated purpose of "Staff Housing" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease.

Local Authority: Shire of Kulin.

DOLA File: 02908-1970-01RO.

Reserve No. 30628 (Avon Location 29205) vested in the Shire of Quairading for the designated purpose of "Site for Club and Club Premises" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease.

Local Authority: Shire of Quairading.

DOLA File: 01144-1965-01RO.

Reserve No. 28262 (Geraldton Lots 1179, 1180, 1181, 1183, 1185, 1186, 2351, 2475, 2476, 3030, 3031 and 3032) vested in the City of Geraldton for the designated purpose of "Recreation, Conservation and Explosives" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease Locations 1185 and 1186 or any portion thereof, for any term not exceeding twenty-one (21) years from the date of the lease.

Local Authority: City of Geraldton.

M. C. WAUCHOPE, Clerk of the Council.



**LA401\***

**LAND ACT 1933**  
**AMENDMENT OF BOUNDARIES**

His Excellency the Governor in Executive Council has approved, under Section 10 of the Land Act 1933.

DOLA File: 00586-1998-01RO.

The amendment of the boundaries of Lynton Townsite to exclude the area described as those portions now comprised in Victoria Location 12110 and Grey Road the subject of Land Administration Plan 19382.

Public Plan/s: BD44 (10) 7.8

Local Authority: Shire of Northampton.

A. A. SKINNER, Chief Executive.

**LA402\***

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960**

**DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands

Under Section 288A

At the request of the local government nominated, the street described in the Schedule is now declared to be closed.

SCHEDULE

1. City of Armadale (DOLA File 1505/1997; Closure No. A545)  
 All that portion of Schruth Street (Road No. 3847) now comprised in Canning Location 4144 as show on Crown Survey Diagram 93322.  
 Public Plan: BG 34(2) 22.06
2. Town of Albany (DOLA File No 1231/947; Closure No A547).  
 All that portion of Mermaid Avenue now comprised in Albany Lot 1448 as shown on Crown Survey Diagram 92973.  
 Public Plan: BK 26(2) 14.07.
3. Shire of Albany (DOLA File No 2072/986; Closure No A 546).  
 All that portion of Mead Road as shown bordered blue on Crown Survey Diagram 93077.  
 Public Plan: Oyster Harbour S.E. (25).
4. Shire of Ravensthorpe (DOLA File No 1790/961; Closure No R232).  
 All that portion of South Coast Highway comprising Oldfield Location 1488 shown bordered pink on Crown Survey Diagram 90461.  
 Public Plan: Bandalup (50).
5. Shire of Roebourne (DOLA File No 524/996; Closure No R228)  
 All that portion of road now comprised in Karratha Lot 4602 as shown bordered pink on Crown Survey Diagram 92918.  
 Public Plan: BH65(2) 30.28
6. Shire of Trayning (DOLA File No 3465/989; Closure No T 259)  
 The whole of the unnamed unnumbered road shown coloured brown on Crown Survey Diagram 48200  
 Public Plan: KODJ KODJIN (50)

A. A. SKINNER, Chief Executive,  
 Department of Land Administration.

**LA403\***

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960**

**DECLARATION OF PUBLIC STREETS**

**ORDERS OF THE MINISTER FOR LANDS**

Made under Section 288

At the request of the local government nominated, the portions of land specified in the Schedule are now declared to be absolutely dedicated as public streets.

NOTICE

1. City of Canning (DOLA File No 1923/997)  
 Road No 19017 (Collie Street)
  - (a) Portion of Canning Location 2 coloured brown and marked Right-of-Way on Diagram 73152 and being the whole of the land comprised in Certificate of Title Volume 1821 Folio 471.

- (b) Portion of Canning Location 2 coloured brown and marked Right-of-Way on Diagram 92186 and being the whole of the land comprised in Certificate of Title Volume 2091 Folio 616.  
Public Plan BG34 (2) 18.20.
2. Town of Albany (DOLA File No 1459/997) Road No 19019 (Road Widening)
- (a) A strip of land varying in width, being portion of Plantagenet location 229, commencing from an eastern side of Le Grande Avenue and extending southeasterly to a western side of Lurline Street, as shown coloured brown on Office of Titles diagram 25581.
- (b) A strip of land varying in width, being portion of Plantagenet location 229, commencing from an eastern side of Lurline Street and extending southeasterly to the southwestern corner of part of Office of Titles Lot 86, as shown coloured brown on Office of Titles Diagram 25581.  
Public Plan: BK 26(2) 09.07

A. A. SKINNER, Chief Executive,  
Department of Land Administration.

**LA701\***

**LAND ACT 1933**  
**RESERVATION NOTICES**

Made by His Excellency the Governor under Section 29.

The Crown Lands described below have been set apart as public Reserves

DOLA File: 00536-1998-01RO.

Reserve No 45276 comprising Swan Locations 12825 and 12827 with an area of 4124 square metres on Land Administration Diagram 93412 for the designated purpose of "Use and Requirements of the Minister for Works"

Public Plan/s: BG34 (2) 09.15. Foss and Harris Streets

Local Authority: City of Melville.

DOLA File: 00537-1998-01RO.

Reserve No 45277 comprising Swan Location 12828 with an area of 278 square metres on Land Administration Diagram 93412 for the designated purpose of "Police"

Public Plan/s: BG34 (2) 09.15. Harris Street

Local Authority: City of Melville.

DOLA File: 01257-1988-01RO.

Reserve No 45278 comprising Meekatharra Lots 879, 880, 884 and 926 with an area of 4313 square metres on Land Administration Plan 17077 for the designated purpose of "Use and Requirements of the Government Employees' Housing Authority"

Public Plan/s: BL49 (2) 13.17. McCleary Street

Local Authority: Shire of Meekatharra.

DOLA File: 00467-1998-01RO.

Reserve No 45279 comprising Kent Location 2163 (formerly Lot 39 on Plan 20086) with an area of 7.0961 hectares for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BM 27 (10) 4.6. Short Beach Road

Local Authority: Shire of Jerramungup.

DOLA File: 02032-1996-01RO.

Reserve No 45280 comprising Swan Location 12641 (formerly the area coloured blue and marked as 'Drain Reserve' on Plan 10513) with an area of 3210 square metres for the designated purpose of "Drainage"

Section 20A

Public Plan/s: BG34 (2) 24.40. off Loton Road

Local Authority: Shire of Swan.

DOLA File: 00609-1998-01RO.

Reserve No 45281 comprising Herdsman Lake Suburban Lot 498 (formerly Herdsman Lake Suburban Lot 489) with an area of 3.3084 hectares on Land Administration Plan 17924 for the designated purpose of "Recreation and Conservation"

Public Plan/s: BG34 (2) 09.28. Tuscany Way

Local Authority: City of Stirling.

DOLA File: 00604-1998-01RO.

Reserve No 45282 comprising Rockingham Lot 1612 with an area of 2123 square metres on Land Administration Diagram 93419 for the designated purpose of "Use and Requirements of the Minister for Works"

Public Plan/s: BG33 (2) 08.29. Arkwright Road

Local Authority: City of Rockingham.

DOLA File: 02400-1997-01RO.

Reserve No 45283 comprising Canning Location 4157 (formerly Lot 101 on Plan 21970) with an area of 1282 square metres for the designated purpose of "Drainage"

Section 20A

Public Plan/s: BG34 (2) 26.09. Holden Road

Local Authority: City of Armadale.

DOLA File: 02435-1997-01RO.

Reserve No 45284 comprising Canning Location 4159 (formerly Lot 109 on Plan 21969) with an area of 1918 square metres for the designated purpose of "Drainage"

Section 20A

Public Plan/s: BG34 (2) 26.09. Chevin Road

Local Authority: City of Armadale.

DOLA File: 02113-1997-01RO.

Reserve No 45285 comprising Jandakot Agricultural Area Lot 706 (formerly Lot 399 on Plan 22060) with an area of 4021 square metres for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BG34 (2) 13.08. Riversdale Pass

Local Authority: City of Cockburn.

DOLA File: 00463-1998-01RO.

Reserve No 45286 comprising Jandakot Agricultural Area Lot 710 (formerly Lot 1823 on Diagram 90213) with an area of 7.2804 hectares for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BG 34 (2) 11.04 and 11.05. Kowara Dale

Local Authority: City of Cockburn.

DOLA File: 02383-1997-01RO.

Reserve No 45287 comprising Cockburn Sound Location 4366 (formerly Lot 141 on Plan 21510) with an area of 1671 square metres for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BG34 (2) 12.06 and 12.07. off Sycamore Avenue

Local Authority: City of Cockburn.

DOLA File: 01911-1996-01RO.

Reserve No 45288 comprising Swan Location 12671 with an area of 1 square metre on Land Administration Diagram 93001 for the designated purpose of "Pedestrian Access Way"

Public Plan/s: BG34 (2) 14.36. Selloa Place and Beach Road

Local Authority: City of Stirling.

DOLA File: 01273-1973-01RO.

Reserve No 45289 comprising Badgingarra Lot 180 with an area of 2.7240 hectares on Land Administration Plan 11523 for the designated purpose of "Water Tank and Television Transmission"

Public Plan/s: BF38 (2) 30.37. Meagher Drive

Local Authority: Shire of Dandaragan.

A. A. SKINNER, Chief Executive.

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#### LA801\*

#### LAND ACT 1933

#### AMENDMENT OF RESERVES

Made by His Excellency the Governor under Section 37.

The following reserves have been amended

DOLA File: 01738-1899-02RO.

Reserve No: 7356 (Erivilla District) "Townsite (Abbotts)" to comprise Location 56 and Abbots Lot 35 as shown delineated and bordered red on Land Administration Reserve Diagram 1429 and of its area being increased (recalculated) to 39.6156 hectares accordingly.

Public Plan/s: Abbots Townsite and Belele (250) Mason Street

Local Authority: Shire of Meekatharra.

DOLA File: 01110-1916-04RO.

Reserve No: 16405 (Avon Locations 9059 and 28882) "Water Supply and Conservation of Flora and Fauna" to include Location 29204 as surveyed and shown bordered red on Land Administration Plan 19610 in lieu of Location 9059 and of its area being reduced to 527.4727 hectares accordingly.

Public Plan/s: BJ34 (2) 23.18, Quairading NE and NW (25) Quairading York Road

Local Authority: Shire of Quairading.

DOLA File: 01441-1939-04RO.

Reserve No: 23931 (Wellington Location 4472) "Agricultural Research Station" to exclude that portion comprising 33.2880 hectares as shown bordered green on Land Administration Diagram 93146 and of its area being reduced to 886.3252 hectares accordingly.

Public Plan/s: Harvey NE, SE and SW (25) Mornington Road

Local Authority: Shire of Harvey.

DOLA File: 01770-1968-01RO.

Reserve No: 29741 (Swan District) "Use and Requirements of the Minister for Works" to comprise Location 12826 as surveyed and shown bordered red on Land Administration Diagram 93412 in lieu of Location 8363 and of its area being reduced to 1785 square metres accordingly.

Public Plan/s: BG34 (2) 09.15 Canning Highway and Harris Street

Local Authority: City of Melville.

DOLA File: 02908-1970-01RO.

Reserve No: 30628 (Avon District) "Site for Club and Club Premises" to comprise Location 29205 as surveyed and shown bordered red on Land Administration Plan 19610 in lieu of Locations 28374 and 29143 and of its area being increased to 103.4062 hectares accordingly.

Public Plan/s: BJ34 (2) 23.18 and Quairading NE and NW (25) Quairading York Road

Local Authority: Shire of Quairading.

DOLA File: 03343-1976-01RO.

Reserve No: 34789 (Kununurra Lot 1239) "Drain" to include Lot 2442 as surveyed and shown bordered red on Land Administration Plan 19173 and of its area being increased to 5238 square metres accordingly.

Public Plan/s: DH79 (2) 22.16 and 23.16 Poinciana Street and Ivanhoe Road

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File: 03836-1976-01RO.

Reserve No: 35074 (Canning Location 2987) "Public Recreation" to include Location 4172 (formerly Lot 360 on Diagram 74424) and of its area being increased to 1330 square metres accordingly.

Public Plan/s: BG34 (2) 21.11 Sandridge Street

Local Authority: City of Gosnells.

DOLA File: 01356-1983-01RO.

Reserve No: 38313 (Swan District) "Recreation" to comprise Location 12774 as surveyed and shown bordered red on Land Administration Diagram 93299 in lieu of Location 10336 and of its area being increased to 2.7743 hectares accordingly.

Public Plan/s: BG34 (2) 16.31 Broun Avenue and Priestley Street

Local Authority: City of Bayswater.

DOLA File: 03076-1982-01RO.

Reserve No: 38413 (De Grey Location 61 and Nullagine Lots 207 and 208) "Water Supply" to include Lot 240 as surveyed and shown bordered red on Land Administration Plan 18031 and of its area being increased to 4.9479 hectares accordingly.

Public Plan/s: CD62 (2) 13.17 and 14.17 Gallop Road and Massingham Street

Local Authority: Shire of East Pilbara.

DOLA File: 02182-1986-01RO.

Reserve No: 39950 (Wellington Locations 5518, 5564, 5599, 5648, 5709 and 5806) "Public Recreation" to include Locations 5824 (formerly Lot 115 on Plan 18918 and Lot 117 on Diagram 87963) and 5825 (formerly Lot 131 on Plan 17521) and of its area being increased to 12.3709 hectares accordingly.

Public Plan/s: BG30 (2) 06.39, 06.40 and BG31 (2) 06.01 Cathedral Avenue

Local Authority: Shire of Harvey.

DOLA File: 03462-1970-02RO.

Reserve No: 40115 (at Rockingham) "Fire Station Site" to comprise Lot 1611 as surveyed and shown bordered red on Land Administration Diagram 93419 in lieu of Lot 1567 and of its area being reduced to 3725 square metres accordingly.

Public Plan/s: BG33 (2) 08.29 Arkwright and Dixon Roads

Local Authority: City of Rockingham.

DOLA File: 01840-1987-01RO.

Reserve No: 40213 (Swan Locations 11006, 11767 and 12371) "Public Recreation" to include Location 12876 (formerly Lot 1134 on Plan 15191) and of its area being increased to 9.5627 hectares accordingly.

Public Plan/s: BG34 (2) 14.37 Summerlakes Parade

Local Authority: Shire of Swan.

DOLA File: 02436-1978-01RO.

Reserve No: 42543 (Cockburn Sound Location 4013) "Public Recreation" to include Location 4371 (formerly Lot 26 on Plan 13394) and of its area being increased to 3.9205 hectares accordingly.

Public Plan/s: BG33 (2) 21.19 and (5) 9.8 South West Highway and Richardson Road

Local Authority: Shire of Serpentine/Jarrahdale.

DOLA File: 00758-1995-01RO.

Reserve No: 43984 (Swan District ) "Drainage" to comprise Location 12754 (portion formerly part of Lot 12 on Diagram 88511) as surveyed and shown bordered red on Land Administration Diagram 93246 in lieu of Location 12263 and of its area remaining unaltered.

Public Plan/s: BG34 (2) 13.38 Griffon Way and Hillcrest Road

Local Authority: City of Wanneroo.

DOLA File: 01904-1996-01RO.

Reserve No: 44852 (Swan Location 12626) "Public Recreation" to include Location 12868 (formerly Lot 1002 on Plan 22375) and of its area being increased to 2.4273 hectares accordingly.

Public Plan/s: BG34 (2) 17.35 Orchid Avenue

Local Authority: Shire of Swan.

A. A. SKINNER, Chief Executive.

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**LA901\***

**LAND ACT 1933**

**CHANGE OF PURPOSE OF RESERVES**

Made by His Excellency the Governor under Section 37.

The purposes of the following reserves have been changed

DOLA File: 01738-1899-02RO.

Reserve No. 7356 (Erivilla Location 56 and Abbots Lot 35) being changed from "Townsite (Abbots)" to "Common".

Public Plan/s: Abbots Townsite and Belele (250) Mason Street

Local Authority: Shire of Meekatharra.

DOLA File: 01110-1916-04RO.

Reserve No. 16405 (Avon Locations 28882 and 29204) being changed from "Water Supply and Conservation of Flora and Fauna" to "Water Catchment and Landscape Protection".

Public Plan/s: BJ34 (2) 23.18, Quairading NE and NW (25) Quairading York Road

Local Authority: Shire of Quairading.

DOLA File: 04318-1922-01RO.

Reserve No. 18089 (Kulin Lot 73) being changed from "Church Site (Presbyterian)" to "Staff Housing".

Public Plan/s: Kulin Townsite Day Street

Local Authority: Shire of Kulin.

DOLA File: 01144-1965-01RO.

Reserve No. 28262 (Geraldton Lots 1179, 1180, 1181, 1183, 1185, 1186, 2351, 2475, 2476, 3030, 3031 and 3032) being changed from "Recreation and Conservation" to "Recreation, Conservation and Explosives".

Public Plan/s: BE43 (2) 16.19 and 16.20 Fallowfield Street

Local Authority: City of Geraldton.

DOLA File: 01770-1968-01RO.

Reserve No. 29741 (Swan Location 12826) being changed from "Use and Requirements of the Minister for Works" to "Police".

Public Plan/s: BG34 (2) 09.15 Canning Highway and Harris Street

Local Authority: City of Melville.

DOLA File: 02684-1969-01RO.

Reserve No. 32044 (Serpentine Agricultural Area Lot 144) being changed from "Recreation" to "Public Recreation".

Public Plan/s: BG33 (2) 21.35 Briggs Road

Local Authority: Shire of Serpentine/Jarrahdale.

DOLA File: 02986-1983-02RO.

Reserve No. 38580 (Newdegate Lot 201) being changed from "Caravan Park" to "Use and Requirements of the Shire of Lake Grace".

Public Plan/s: Newdegate Townsite Newdegate Road

Local Authority: Shire of Lake Grace.

A. A. SKINNER, Chief Executive.



**LB201\*****LAND ACT 1933**  
CANCELLATION OF RESERVES

Made by His Excellency the Governor under Section 37.

The following reserves have been cancelled.

DOLA File: 01479-1989-01RO.

Reserve No: 2313 (Boyanup Agricultural Area Lot 281) "Public utility".

Public Plan/s: BG30 (2) 06.15 and (10) 2.3—not charted cnr Lincoln Street and South Western Highway

Local Authority: Shire of Capel.

DOLA File: 02096-1937-01RO.

Reserve No: 21776 (Wiluna Lot 193) "School of Mines".

Public Plan/s: Wiluna Townsite Wotton Street

Local Authority: Shire of Wiluna.

DOLA File: 00922-1939-01RO.

Reserve No: 22095 (Avon Location 26792) "Water and access thereto".

Public Plan/s: Yorkrakine NE (25) Dunkley Road

Local Authority: Shire of Trayning.

DOLA File: 02259-1988-01RO.

Reserve No: 41791 (Denham Lot 307) "Depot Site".

Public Plan/s: AM51 (2) 39.12 Dampier Road and Vlamingh Crescent

Local Authority: Shire of Shark Bay.

A. A. SKINNER, Chief Executive.

**LB301\*****LAND ACQUISITION AND PUBLIC WORKS ACT, 1902**

## SALE OF LAND

Notice is hereby given that the Governor has authorised under Section 29(7)(a)(ii) of the Land Acquisition and Public Works Act 1902 of the sale by public auction or private contract of the land hereinafter described, such land being no longer required for the work for which it was acquired.

## LAND

File No 605/973

Portion of Reserve 32271 being Albany Lot 1456 as shown on Land Administration Diagram 93445.

Dated this 10 day of March 1998.

A. A. SKINNER, Chief Executive.

**LOCAL GOVERNMENT****LG301****LOCAL GOVERNMENT ACT 1995***City of Melville*

## LOCAL LAW RELATING TO PARKING FACILITIES

In pursuance of the powers conferred upon it by the *Local Government Act 1995* and of all other powers allowing it the council of the above municipality hereby records having resolved on 17 February 1998 its intention to make the following amendment—

1. In this local law, the Local Law relating to Parking Facilities gazetted on 5 May 1995 as amended is the principal local law.
2. In the First Schedule, "Parking Stations" of the Region", insert the following in numerical order—

"18. Booragoon Commercial Centre, 175 Davy Street, Booragoon."

Dated the 26th day of February, 1998.

The Common Seal of the City of Melville was hereunto affixed in the presence of—

KATIE MAIR, JP, Mayor.  
JOHN McNALLY, Chief Executive Officer.

**LG302****LOCAL GOVERNMENT ACT 1995***City of Melville*

## LOCAL LAW RELATING TO PARKING FACILITIES

In pursuance of the powers conferred upon it by the *Local Government Act 1995* and all powers enabling it, the council of the above municipality hereby records having resolved on 17 February 1998 its intention to make the following amendment—

1. In this local law, the Local Law relating to Parking Facilities gazetted on 5 May 1995 as amended is the principal local law.
2. In the First Schedule, "Parking Stations of the Region", insert the following in numerical order—
  - "19. Kearns Crescent East Shopping Centre bounded by Canning Highway, Riseley Street and Kearns Crescent East, Ardross."

Dated the 26th day of February, 1998.

The Common Seal of the City of Melville was hereunto affixed in the presence of—

KATIE MAIR, JP, Mayor.  
JOHN McNALLY, Chief Executive Officer.

**LG303****LOCAL GOVERNMENT ACT 1995***Shire of Carnarvon*

## AMENDMENT TO LOCAL LAW—CAT CONTROL

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the Shire of Carnarvon hereby records having resolved at its Ordinary Meeting held on Wednesday, 26 November 1997 to amend the abovementioned Local Law in the following manner—

- (a) Delete "(a)" in the first line of Clause 8;
- (b) Delete "\$200" in the second line of Clause 8; and substitute "\$500".

Dated this 12th day of March 1998.

The Common Seal of the Shire of Carnarvon was hereunto affixed by authority of a resolution by Council in the presence of—

Mrs D. A. MILLS, President  
Mr B. G. WALKER, Chief Executive Officer.

**LG304\*****LOCAL GOVERNMENT ACT 1995***City of Wanneroo*

## LOCAL LAWS RELATING TO STREET NUMBERS FOR HOUSES

In pursuance of the powers conferred upon it by the abovementioned Act, the Joint Commissioners of the City of Wanneroo hereby record having resolved on the 24th day of February 1998, to make the following local laws:

## "LOCAL LAWS RELATING TO STREET NUMBERS FOR HOUSES"

**Definitions**

1. In these local laws:

"Number" means a Number with or without an alphabetical suffix indicating the address of Land as assigned by the City pursuant to these Local Laws from time to time.

"Chief Executive Officer" means the Chief Executive Officer of the City of Wanneroo or a person authorised in writing by the Chief Executive Officer.

"City" means the City of Wanneroo.

"District" means the District of the City of Wanneroo.

"Land" means property in the District and includes houses, buildings, works and structures, in or upon the land.

"Authorised Person" means a person authorised to issue infringement notices pursuant to s9.16 of the Act.

"The Act" means the *Local Government Act 1995* as amended from time to time.



**Requirement for Street Numbers**

2. The City may assign a Number to Land in a street or way in a District and may, from time to time, assign another Number to Land instead of that previously assigned.
3. In the case of all occupied Land situated within the District, a Number shall be placed in a prominent position on the Land to which the Number refers.
4. The owner or occupier of the Land referred to in local law 3 shall paint or affix and maintain the current Number upon a conspicuous place on the front of a building on the Land or on the fence or gate adjoining the street fronting the Land, within 14 days after a written Notice signed by an Authorised Person has been served on him, requiring him to do so.
5. A Number shall not be placed in a way which, in the opinion of an Authorised Person, is misleading.
6. Where, in the opinion of an Authorised Person, a Number is placed in a way which is misleading, a Notice signed by an Authorised Person may be served by the City on the owner or occupier of the Land to which the Number refers, specifying the location or locations where the Number may be displayed.
7. The notice referred to in local law 6 shall include reasons for its issue and shall notify the recipient of the recipients right of appeal pursuant to Part 9 Division 1 of the Act.
8. Where the notice referred to in local law 6 is served on a person other than the owner of the Land the subject of the notice, a copy of the Notice shall also be sent to the owner of the Land.
9. An Authorised Person may, from time to time, authorise a person or persons to enter Land to which a Number has been assigned, for the purpose of replacing an existing Number with another Number either in the same location or in a different location on the Land, as specified in Schedule 3.1 Division 1 Rule 2 of the Act and a person so authorised may lawfully enter the Land and act in accordance with the authorisation from time to time as occasion requires and the City may recover all expenses from the owner of the Land.

**Penalties**

10. Whenever any owner or occupier of Land fails to comply with a notice served on him under Local Law 4 or 6 within a time therein specified or fails to comply with a provision of these Local Laws he commits an offence and shall upon conviction in a Court of Petty Sessions be liable to:
  - 10.1 a penalty which is not more than \$1,000.00 and not less than;
    - (i) In the case of a first offence \$150.00;
    - (ii) In the case of a second offence or subsequent offence \$200.00;
    - and
    - (iii) If an offence is a continuing offence, a daily penalty which is not more than \$50.00 and not less than \$5.00 shall apply; or
  - 10.2 An infringement notice in respect of an offence prescribed in these local laws may be given under s9.16 of the Act and the amount appearing in the final column of Schedule 1 directly opposite an offence described in that Schedule is the modified penalty for that offence.
  - 10.3 An infringement notice in respect of an offence prescribed in these local laws shall be in or to the effect of the form in Schedule 2.
11. An Infringement notice issued pursuant to these Local Laws may be withdrawn in accordance with the provisions of s9.20 of the Act and shall be in or to the effect of the form in Schedule 3.

## SCHEDULE 1

## CITY OF WANNEROO

## LOCAL GOVERNMENT ACT 1995

## LOCAL LAWS RELATING TO STREET NUMBERS FOR HOUSES

Item No.	Local Law	Nature of Offence	Modified Penalty
1	4	Failure to comply with requisition to paint, affix or maintain a street Number .....	\$100
2	6	Failure to comply with a notice specifying the location or locations of a street Number .....	\$100

SCHEDULE 2
CITY OF WANNEROO
LOCAL GOVERNMENT ACT 1995
INFRINGEMENT NOTICE

LOCAL LAWS RELATING TO STREET NUMBERS FOR HOUSES

Date ...../...../.....

TO:.....

OF:.....

It is alleged that on ...../...../..... at .....

..... you committed the offence indicated below:

Local Law

4 Failure to comply with requisition to paint, affix or maintain a street number \$100

6 Failure to comply with a notice specifying the location or locations of a street number \$100

If you do not wish to have a complaint of the above offence heard and determined by a court, you may pay the modified penalty within twenty one (28) days after the date of service of this notice.

Payments may be made either by posting this form together with the amount mentioned above, to the Chief Executive Officer, City of Wanneroo or by delivering this form and paying that amount at the City of Wanneroo Administration, Boas Avenue, Joondalup between 8.45am to 4.00pm Monday to Friday.

.....

Authorised Person

SCHEDULE 3
CITY OF WANNEROO
LOCAL GOVERNMENT ACT 1995
WITHDRAWAL OF INFRINGEMENT NOTICE

LOCAL LAWS RELATING TO STREET NUMBERS FOR HOUSES

Date ...../...../.....

TO:.....

OF:.....

Infringement Notice No:..... dated .....

for the alleged offence of:.....

Modified penalty:.....

is hereby withdrawn.

.....

Authorised Person"

Dated this 9th day of March 1998.

The Common Seal of the City of Wanneroo was hereunto affixed by authority of a resolution of the Joint Commissioners in the presence of:

C. T. ANSELL, Chairman of Commissioners.
L. O. DELAHAUNTY, Chief Executive Officer.

LG401

BUSH FIRES ACT 1954
Shire of Dundas

Appointment of Fire Control Officer

It is hereby notified for public information that, pursuant to section 38 of the above Act, the following person has been appointed Bush Fire Control Officer for the Eucla area of the District.

Mr Phil Kuhne

The previous appointment of Mr R. Walton is hereby cancelled.

E. A. GILBERT, Chief Executive Officer.

**LG402****JUSTICES ACT 1902***City of Wanneroo*

It is hereby notified for public information that Jeffrey Ronald Allen, in accordance with the provisions of the Justices Act 1902, is authorised to make complaints and act under and enforce the various Acts, Regulations and Local Laws for the Municipality of the City of Wanneroo as detailed hereunder, effective from 24 February 1998—

Local Government Act 1995;  
Dog Act 1976, Regulations and Local Laws thereunder;  
Control of Vehicles (Off Road Areas) Act 1978 and Regulations thereunder;  
Bush Fires Act 1954, Regulations and Local Laws thereunder;  
Litter Act 1979 and Regulations thereunder;  
Speargun Control Act 1955 and Regulations thereunder;  
Local Laws Relating to the Parking of Vehicles on Street Verges;  
Local Laws Relating to Parking Facilities;  
Local Government (Parking for Disabled Persons) Regulations 1988;  
Local Laws Relating to Safety, Decency, Convenience and Comfort of Persons in respect of Bathing;  
Local Laws Relating to Removal and Disposal of Obstructing Animals or Vehicles;  
Local Laws Relating to Disused Motor Vehicles and Machinery;  
Local Laws Relating to the Control and Management of Halls, Community Recreation Centres; Multi-Purpose Centres, Equipment and Property;  
Local Laws Relating to Reserves and Foreshores;  
Local Laws Relating to Street Lawns and Gardens.

LINDSAY DELAHAUNTY, Chief Executive Officer.

**LG403****JUSTICES ACT 1902***City of Wanneroo*

In accordance with the provisions of the Justices Act 1902 it is hereby notified for public information that Council cancels authorisations issued to Kevin Winston Smith as detailed hereunder—

Local Government Act 1995;  
Dog Act 1976, Regulations and Local Laws thereunder;  
Control of Vehicles (Off Road Areas) Act 1978 and Regulations thereunder;  
Litter Act 1979 and Regulations thereunder;  
Speargun Control Act 1955 and Regulations thereunder;  
Local Laws Relating to the Parking of Vehicles on Street Verges;  
Local Laws Relating to Parking Facilities;  
Local Government (Parking for Disabled Persons) Regulations 1988;  
Local Laws Relating to Safety, Decency, Convenience and Comfort of Persons in respect of Bathing;  
Local Laws Relating to Removal and Disposal of Obstructing Animals or Vehicles;  
Local Laws Relating to Disused Motor Vehicles and Machinery;  
Local Laws Relating to the Control and Management of Halls, Community Recreation Centres; Multi-Purpose Centres, Equipment and Property;  
Local Laws Relating to Reserves and Foreshores;  
Local Laws Relating to Street Lawns and Gardens.

LINDSAY DELAHAUNTY, Chief Executive Officer.

**LG404****JUSTICES ACT 1902***City of Wanneroo*

In accordance with the provisions of the Justices Act 1902 it is hereby notified for public information that Council cancels authorisations issued to Terence Michael Trewin and Ian Henderson Roy as detailed hereunder—

Local Government Act 1995;  
Dog Act 1976, Regulations and Local Laws thereunder;  
Control of Vehicles (Off Road Areas) Act 1978 and Regulations thereunder;  
Bush Fires Act 1954, Regulations and Local Laws thereunder;  
Litter Act 1979 and Regulations thereunder;  
Speargun Control Act 1955 and Regulations thereunder;

Local Laws Relating to the Parking of Vehicles on Street Verges;  
 Local Laws Relating to Parking Facilities;  
 Local Government (Parking for Disabled Persons) Regulations 1988;  
 Local Laws Relating to Safety, Decency, Convenience and Comfort of Persons in respect of Bathing;  
 Local Laws Relating to Removal and Disposal of Obstructing Animals or Vehicles;  
 Local Laws Relating to Disused Motor Vehicles and Machinery;  
 Local Laws Relating to the Control and Management of Halls, Community Recreation Centres; Multi-Purpose Centres, Equipment and Property;  
 Local Laws Relating to Reserves and Foreshores;  
 Local Laws Relating to Street Lawns and Gardens.

LINDSAY DELAHAUNTY, Chief Executive Officer.

#### LG405

#### CITY OF WANNEROO

#### Appointment

It is hereby notified for public information that Dennis Howard Cluning is authorised as an Honorary Beach Inspector attached to the Yanchep District Surf Club, subject to the provisions of the City of Wanneroo Local Laws Relating to the Safety, Decency, Convenience and Comfort of Persons (No. 14), effective from 24 February 1998.

LINDSAY DELAHAUNTY, Chief Executive Officer.

#### LG406

#### JUSTICES ACT 1902

#### *City of Wanneroo*

In accordance with the provisions of the Justices Act 1902 and Section 9.10 of the Local Government Act 1995, the following Honorary Parking Inspectors were authorised to issue infringement notices, make complaints and act under and enforce the City of Wanneroo Local Laws Relating to Parking Facilities and the Local Government (Parking for Disabled Persons) Regulations 1988 within the confines of the respective areas.

Whitfords Shopping Centre 23 July 1997	Sean Whiteside Simon Joseph Carroll Kim Martanovic Mark Andrew O'Donnell	Graeme Brook Boyd Eric Patterson Anthony Peter Fisk
Warwick Shopping Centre 26 November 1997	Andrew Mark Skipper	Jamie Anthony Reed
Newpark Shopping Centre 23 April 1997	Julian Edward Jay	
Glengarry Shopping Centre 22 October 1997	Vincent William Butler	John Edward Anderson
Padbury Primary School 26 March 1997	Julie Anne Newton	
Hillarys Boat Harbour 28 May 1997	James Alexander Scott Nigel Colin Steven	Andrew Philip Grafen
23 December 1997	Trevor Watson Chris Tsalamangos	Johnny Montani
24 February 1998	Scott Alexander Simpson Shaun Dean O'Flaherty	Frank Charles Hearne Phillip Patrick Mulree
Lakeside Joondalup Shopping Centre 26 November 1997	Michael Andrew Gibson	
24 February 1998	Anthony James Fawcett	

The appointments of Joel Griffith Campbell, Brent Ewins, Andrew Cooper, Glen Alan Hill and Andrew Christopher Hickey are hereby revoked.

LINDSAY DELAHAUNTY, Chief Executive Officer.

**LG407****DOG ACT 1976***Shire of Northam*

It is hereby notified for public information that the following persons have been appointed under the provisions of the Dog Act 1976—

Registration Officer—  
Barbara Jakubow

Authorised Person—  
Allen Kenneth Christensen

The appointment of Mr Michael Robert Littleton is hereby cancelled.

A. J. MIDDLETON, Chief Executive Officer.

**LG408****CITY OF GOSNELLS**

**KELVIN ROAD WASTE DISPOSAL SITE—SCALE OF CHARGES  
EFFECTIVE FROM 1 APRIL 1998**

Address: Kelvin Road, Orange Grove  
Phone: 9459 4017  
Opening Times: Monday to Friday—7.30am to 5.00pm  
Weekends and PH's—8.00am to 5.00pm  
Closed Good Friday and Christmas Day

	Discount	Regular
<b>GENERAL WASTE</b>		
(a) Domestic, putrescible, trade waste .....	\$25/tonne	\$30/tonne
(b) Brick rubble, scalplings, clean sand .....	\$30/tonne	
(c) Tree loppings, vegetation, garden waste .....	\$25/tonne	
(d) Minimum charge per entry to landfill site for categories (a), (b) and (c) above .....	\$25.00	\$30.00

In the event of any of the above materials being mixed, the higher rate will apply.

Where the material being deposited is in the opinion of the Director Commercial Services suitable for use in the operation of the landfill site and is required at the time for such purpose the scheduled fee may be waived.

The discount rate applies to City of Gosnells residents who hold a current discount entry card with the discount applying for the disposal of personal domestic waste only. Discount is not available for commercial waste.

	Discount	Regular
<b>CARS AND TRAILERS</b>		
(e) Cars, utilities, vans and trailers not exceeding 1.8m x 1.2m x 0.6m, or quantities less than 1.0m <sup>3</sup> .....	\$6.00	\$12.00
(f) Trailers not exceeding 1.8m x 1.2m but with loads greater than 0.6m high .....	\$10.00	\$15.00
(g) Trailers not exceeding 2.5m x 1.5m x 0.6m high .....	\$14.00	\$20.00
(h) Trailers not exceeding 2.5m x 1.5m but with loads greater than 0.6m high .....	\$20.00	\$25.00
<b>VEHICLE BODIES</b>		
(i) Car bodies from commercial or industrial undertakings .....	\$38.00 each	
(j) Car bodies from residential premises .....	\$10.00 each	
(k) Truck bodies .....	\$60.00 each	
<b>BURIAL OF WASTE</b>		
(l) Asbestos waste .....	No longer accepted	
(m) Where waste other than asbestos is required to be buried a minimum charge of \$30.00 shall apply for the first tonne then \$20.00 for each additional tonne .....	\$30.00 first tonne	\$20.00 additional tonne
<b>SPECIAL CHARGES</b>		
(n) (i) Car tyres (unprocessed will only be accepted in small quantities from residents in the City of Gosnells) .....	Listed fee for vehicle plus 100% surcharge	
(ii) Commercial deliveries of fully shredded tyres .....	\$30.00 per tonne	
(o) Animal carcasses .....	Listed fee for vehicle plus 100% surcharge	
(p) Stormwater .....	\$5.00 per kilolitre of tanker capacity	

	Charge
(q) Other liquids—only accepted if non-hazardous and suitable for unrestricted disposal to landfill .....	Ruling Health Dept rate for liquid waste
(r) Large consignments and special disposals .....	Price on application

#### WEIGHBRIDGE BREAKDOWN

In the event of the landfill site weighbridge breaking down due to power failure, maintenance or repairs the following fees shall apply for Items (a)-(d) inclusive—

- (i) All vehicles carrying non-compacted waste \$10.00 per wheel of truck and/or trailer.
- (ii) All vehicles carrying compacted waste \$15.00 per wheel of truck and/or trailer.
- (iii) Burial surcharge to be 50% of total from above rates.

## MAIN ROADS

### MA401\*

#### LAND ACQUISITION AND PUBLIC WORKS ACT, 1902

##### SALE OF LAND

MRWA 42-22-B

Notice is hereby given that his Excellency the Governor has authorised under Section 29(7)(a)(ii) of the *Land Acquisition and Public Works Act 1902* (as amended) the sale by public auction or private contract of the land hereunder described, such land being no longer required for the work for which it was acquired.

#### LAND

Portion of Wellington Location 1 and being part of Lot 335 on Plan 14691 and being the whole of the land contained in Certificate of Title Volume 1865 Folio 263.

Portion of Leschenault Location 26 and being part of Lot 60 on Plan 10586 and being part of the land contained in Certificate of Title Volume 1808 Folio 981 and more particularly delineated and coloured green on plan MR97-322.

Portion of Wellington Location 1 and being part of Lot 1 on Plan 2858 and being the whole of the land comprised in Certificate of Title Volume 1931 Folio 448.

Dated this 17th day of March 1998.

D. R. WARNER, Executive Director, Corporate Services.

## MINERALS AND ENERGY

### MN301\*

#### MINING ACT 1978

#### MINING AMENDMENT REGULATIONS (No. 2) 1998

Made by the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Mining Amendment Regulations (No. 2) 1998*.

#### Principal regulations

2. In these regulations the *Mining Regulations 1981*\* are referred to as the principal regulations.

[\* *Reprinted as at 18 March 1996.*

*For amendments to 3 February 1998 see 1996 Index to Legislation of Western Australia, Table 4, pp. 193-4 and Gazette 4 April and 3 October 1997.]*

#### Regulation 86 amended

3. (1) The Table to regulation 86 of the principal regulations is amended by deleting the items commencing with the mineral categories set out in the following Table.

**Table**

Abrasives	Limestone (construction)
Alunite	Magnesite
Amblygonite	Monazite
Bentonite	Oil Shale
Calcite	Petalite
Corundum	Pyrophyllite
Emery	Quartz Crystal
Gadolinite	Shale
Glaucanite	Sillimanite
Jarosite	Spodumene
Lepidolite	Xenotime.
Limestone (metallurgical)	

(2) The Table to regulation 86 of the principal regulations is amended by inserting in the appropriate alphabetical order the mineral categories set out in the following Table, together with the associated entries in the columns noted next to those entries.

**Table**

Construction Limestone	30 cents (Column 1)
Lithium Minerals	5% (Column 2)
Metallurgical limestone inc. limesands and shellsands	50 cents (Column 1)
Rare Earth Minerals	5% (Column 2).

(3) The Table to regulation 86 of the principal regulations is amended —

- (a) in column 3 of the item commencing “Ilmenite” by deleting “with a minimum of \$1.50 per tonne”;
- (b) in the item commencing “Leucoxene” —
  - (i) by inserting in column 2 the following —  
“ 5% ”; and
  - (ii) by deleting the entry in column 3;
- (c) in the item commencing “Rutile” —
  - (i) by inserting in column 2 the following —  
“ 5% ”; and
  - (ii) by deleting the entry in column 3;
- (d) in the item commencing “Semi-precious stones” by inserting after “stones” the following —  
“ (including specimen stones) ”; and
- (e) in the item commencing “Zircon” —
  - (i) by inserting in column 2 the following —  
“ 5% ”; and
  - (ii) by deleting the entry in column 3.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.



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**PLANNING**


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**PD401****TOWN PLANNING AND DEVELOPMENT ACT, 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF CHITTERING*

## TOWN PLANNING SCHEME No. 5—AMENDMENT No. 35

Ref: 853/3/4/5 Pt 35

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Chittering Town Planning Scheme Amendment on March 5, 1998 for the purpose of—

1. Replacing Clause 3.1 with a new clause to read as follows—

- 3.1 Scheme Zones and Policy Areas

The Scheme Area is comprised of Reserves and 10 Zones as set out hereunder—

Rural 1—Landscape Protection

Rural 2—General Farming

Rural 3—Chittering Valley

Rural Living A—Rural Residential

Rural Living B—Rural Small Holdings

Rural Living C—Group Farming/Multiple Occupancy

Residential

Special Residential

Commercial

Industrial

The Scheme also defines Policy Areas within which Council may consider the establishment of Special Rural and Rural Living A—Rural Residential Zones if Council is satisfied that a proposal for subdivision and development will achieve the Scheme Objectives.

Prior to considering rezoning of any land to Special Rural Zone, Rural Living A—Rural Residential Zone, Rural Living B—Rural Small Holdings Zone and Rural Living C—Group Farming/Multiple Occupancy Zone, Council shall require submission of an overall Development Plan.

The Development Plan shall show all lots or areas, common or community facilities if relevant, servicing and anticipated land uses together with an assessment of the landforms, soils, landscape and environment generally, and that Development Plan shall be subject to the approval and endorsement of Council and approval of the Western Australian Planning Commission.

2. Adding to Clause 3.3 the following—

- (c) Special Uses permitted by Council shall be listed in Schedule 2; and the site marked on the Scheme Map by an asterisk.

3. Replacing Clause 3.5.3 for the Rura1 Zone—Landscape protection, with a new clause to read as follows—

Council shall not support lot sizes of less than 40 hectares in the zone when considering subdivisions of a lot or lots of lesser size than this minimum except for—

- (i) the recognition of severance by a substantial natural or artificial feature;
  - (ii) rationalisation of existing lots where no additional lot is to be created;
  - (iii) boundary adjustment and amalgamation;
  - (iv) a new lot for a use supported by Council and approved by the Western Australian Planning Commission.

4. Replacing Clause 3.8.6 for the Special Rural Zone, with a new clause to read as follows—

- 3.8.6 Tree Preservation

- (a) Land within the zone adjoining roads shown on the Scheme Map as Highways or Major Roads is for the purpose of this Scheme designated as Tree Preservation Area to a width of—

- (i) from Highways—50 metres from road frontage

- (ii) from Major Roads—50 metres from road frontage

- (b) Areas proposed for Tree Preservation must be shown on the plans lodged with Council under the provisions of Clause 3.8.4 of the Scheme and in addition to those areas referred to in the preceding clause shall include, but not limited to, areas contiguous to wetlands generally, primary ground water recharge areas, skylines and any other significant landscape elements.

- (c) Within land designated on a plan lodged with the Council under the provisions of these clauses as Tree Preservation Areas, no indigenous trees or scrub or other substantial vegetation may be felled or removed except as hereunder—

trees which are dead, diseased or dangerous; or

for the purpose of a fire break required by regulation or by-law except that in order to preserve the amenity of the area Council may, at its discretion, vary the position of any fire break to avoid destruction of vegetation; or  
for fencing, where permitted, and accessways.

- (d) An area of a maximum area of 2000 m<sup>2</sup> located within a building envelope for the lot may be cleared.

5. Replacing Clause 3.8.7 with a new clause to read as follows—

3.8.7 Buildings

Council may not permit more than one dwelling on any lot within this Zone but Council may, at its discretion, permit ancillary or additional accommodation as defined by the Residential Planning Codes.

6. Add a new clause 3.18.16 to read as follows—

3.18.16 Rural Living A—Rural/Residential Zone

Development on land within the Rural Living A—Rural/Residential Zone shall conform to the provisions set out hereunder in Tables 3A and 3AA and shown on the Scheme Map.

Minimum lot areas per dwelling should conform to the approved Development Plan and in accordance with Table 3A.

Objectives and Policies

Objective

to provide for a variety of lot sizes in a rural living environment where the landform and existing natural vegetation is to be preserved and where there is an overriding requirement to conserve the natural environment.

Policies

to support the development of the land for a high variety of lot sizes to minimise the removal of vegetation;

to support the clustering of small lots whilst retaining larger tracts of natural bushland in its natural state;

to retain extended natural buffers along any major roadway to provide for privacy and protection of roadside landscape values.

Table 3A

RURAL LIVING CATEGORIES	Rural Living A—Rural/Residential				
	MIN LOT AREA (Per Dwelling)	MIN. LOT FRONTAGE (metres)	Front	SETBACKS Rear (metres)	Side
RURAL LIVING A1	5000 m <sup>2</sup>	50	20	20	10
RURAL LIVING A2	1 Hectare	50	20	20	10
RURAL LIVING A3	2 Hectares	65	20	20	10
RURAL LIVING A4	4 Hectares	100	20	20	10
RURAL LIVING A5	10 Hectares	200	30	20	10

Note: Except in special circumstances the creation of lots less than two hectares in size should be provided with reticulated water.

Where a lot fronts a Highway or Major Road the set back shall be a minimum of 50 metres, except where Council specifies that such setback shall be greater.

Where a lot adjoins a road other than Highway or Major Road, Council may permit a variation of the minimum front setback. From all other boundaries, Council may permit a reduction of the minimum setback if it is satisfied that a lesser setback is justified because of topographic conditions or the need to achieve tree preservation, and the amenity of the area will not be detrimentally affected.

Table 3AA

ZONING TABLE

Rural Living A—Rural Residential

USE	CONDITIONS				
	RL1	RL2	RL3	RL4	RL5
Single House #	P	P	P	P	P
Public Utility	P	P	P	P	P
Rural Pursuit #	Subject to Planning Consent				
Intensive Agriculture	X	X	Subject to Planning Consent		
Private Recreation	X	X	X	X	P
Buildings for Community Use	X	X	X	X	P
Ancillary/Additional Accommodation	Subject to Planning Consent				
Home Occupation	Subject to Planning Consent				
Cottage Industry	Subject to Planning Consent				
Equestrian Activity	X	X	X	P	P

# Subject to Clause 3.13.12

In accordance with adopted Development Plan or approved variations thereof.

P means that the use is permitted in that zone.

X means that the use is not permitted in that zone.

7. Replacing Clause 3.8.11 with a new clause to read as follows—
- 3.8.11 Water Supply
- (i) All dwellings in the Special Rural Zone and Rural Living A—Rural Residential Zone, except those occupied on a temporary basis under the provisions of Clause 3.8.10, unless connected to a reticulated water supply, shall be provided with a supply of potable water from a suitable catchment, such supply to be in the form of water tanks with a minimum of 120 kilolitres.
- (ii) Water tanks shall be fitted with domestic outlets placed so that a reserve of 10 kilolitres is permanently available for fire fighting, and fitted with couplings for fire fighting of a standard satisfactory to the fire control authorities.
8. Adding a new clause to read as follows—
- 3.8.17 Rural Living B—Small Rural Holdings
- 3.8.17.1 Objectives and Policies
- Objectives
- to ensure retention of, appropriate soils for agricultural and/or horticultural production;
- to protect and enhance the rural landscape in particular to limit the clearing of natural vegetation;
- to utilise the available water resources to the best possible standards without adversely impacting on any streamlines or wetlands.
- to provide an alternate lifestyle for rural residential living where land may be used for either a full or part income may be derived from forms of agriculture and compatible land uses.
- Policies
- to support rezoning and development for Rural Living B —Small Rural Holdings Zone for land which is located on suitable landforms and soils with adequate water supplies on the basis of proposals which conform to the objectives and a satisfactory subdivision design;
- to require, in conjunction with any rezoning, and prior to supporting subdivision a Development Plan depicting all of the elements to achieve proper principles of land and water management shall be prepared and adopted by Council and the Commission.
- 3.8.17.2 Within the Rural Living B—Small Rural Holdings Zone the following standards shall apply—
- Minimum average lot size for any proposal should be 15 hectares and Minimum lot size should be 10 hectares with a minimum area of productive land being no less than eight hectares.
- Minimum Setbacks for buildings—
- From Highway frontages—50 metres
- From Major Road frontages—30 metres
- From Other road frontages—20 metres
- From other lot boundaries—10 metres
- Except for Highway frontage, Council may permit a variation of the minimum setback from all other boundaries if it is satisfied that a lesser setback is justified because of topographical conditions or the need to achieve tree preservation, and that the amenity of the area will not be detrimentally affected.

Table 3B  
ZONING TABLE

Rural Living B—Small Rural Holdings

USE	CONDITIONS
Single House	Permitted
Rural Pursuit	Subject to Planning Consent
Intensive Agriculture	Subject to Planning Consent
Intensive Native Floriculture	Subject to Planning Consent
Intensive Horticulture	Subject to Planning Consent
Public Utility	Permitted Use
Recreation	Permitted Use
Ancillary/Additional Accommodation	Subject to Clause 9.4
Home Occupation	Subject to Planning Consent

- 3.8.17.3 Within the Zone, no use shall be permitted other than those listed in Table 3B, and permitted uses shall be subject to any conditions set out opposite the use.
- 3.8.17.4 The use of land for intensive agriculture shall require the consent of Council, and shall be permitted only on land with a capability rating of Very High to Fair for perennial horticulture, and which does not have limitations of nutrient retention ability or waterlogging as determined in the land capability assessment of the Rural Strategy or a subsequent detailed capability assessment.

**3.8.17.5 Water Supply**

- (i) All dwellings in the Rural Living B—Small Rural Holdings Zone, except those occupied on a temporary basis shall be provided with a supply of potable water from a suitable catchment, such supply to be in the form of water tanks with a minimum of 120 kilolitres.
- (ii) Water tanks shall be fitted with domestic outlets placed so that a reserve of 10 kilolitres is permanently available for fire fighting, and fitted with couplings for fire fighting of a standard satisfactory to the fire control authorities.

**3.8.18 Rural Living C—Group Farming/Multiple Occupancy****3.8.18.1 Objective**

Council's objective is to facilitate opportunities for rural living in the context of a commitment to the protection and enhancement of the agricultural and environmental status of the land and its rural landscape values.

**3.8.18.2 Council's Policies shall therefore be to—**

- (a) to ensure that proposals for rezoning provide a proper balance between uses so that the residential component does not become unduly dominant over other uses;
- (b) require that for any proposal the commonly owned or managed area is of a size and suitability capable of supporting an agricultural enterprise appropriate to the local conditions;
- (c) to ensure that proposals for group ownership or group management of properties are adequately supported by appropriate and enforceable contractual obligations;

**3.8.18.3 Prior to the supporting of subdivision and development of land included in this Zone, Council shall require the submission and approval of such legal or other documentation as may be required so as to provide for—**

- (a) an instrument whereby Council shall be party to, and whose consent will be necessary for, any decision involving a change in the structure or management for the project or a major change in any land use;
- (b) where developed under the Strata Titles Act (as amended) a commitment to a continuing direct relationship between ownership of residential lots and the balance of the property;
- (c) satisfactory management or maintenance of the non-residential component of the property;
- (d) methodology for resolution of any conflict arising in respect to the management of the property as a whole or to activity on a residential site;
- (e) continuing use of land, other than set aside for residential or community use or agricultural purposes, other approved rural enterprises such as tree plantations or, where such uses cease either temporarily or permanently, for maintenance which shall satisfactorily retain the property's agricultural potential;
- (f) ownership and management of community facilities;
- (g) prohibition of the sale of commonly owned or managed land, unless with the consent of Council and with the consent of the Western Australian Planning Commission.
- (h) implementation of reasonable controls over residential appearance and maintenance.

**3.8.18.4 Internal private roads, drainage and other services shall be constructed and maintained to standards satisfactory to Council. Furthermore, Council may, by its duly authorised officer enter the property for the purpose of any inspection of works required by this clause.****3.8.18.5 Council may serve notice on the person or body responsible for the management of the property, requiring repair or maintenance of roads, drainage or other services which are found not to be to the specifications or requirements of the Council.****3.8.18.6 All proposals shall include provisions for fire protection to meet standards and specifications as defined by the Bush Fires Services of Western Australia.****3.8.18.7 Council shall require the preparation of management plans to address the environmental issues identified at the strata title subdivision approval stage;****3.8.18.8 Building setbacks shall be in accordance with the approved Development Plan;****3.8.18.9 Within the Zone, no use shall be permitted other than those listed in Table 3C, hereunder, and permitted uses shall be subject to any conditions set out opposite the use.****3.8.18.10 The use of land for intensive agriculture shall require the Consent of Council, and shall be permitted only on land with a capability rating of Very High to Fair for perennial horticulture, and which does not have limitations of nutrient retention ability or waterlogging as determined in the land capability assessment of the Rural Strategy or subsequent detailed capability assessment.****3.8.18.11 Water Supply**

- (i) Each dwelling in the Rural Living C—Group Farming/Multiple Occupancy Zone shall be provided with a supply of potable water from a suitable catchment, such supply to be in the form of water tanks with a minimum of 120 kilolitres.

Table 3C  
ZONING TABLE

Rural Living C—GROUP FARMING/MULTIPLE OCCUPANCY

USE	CONDITIONS
Single House	Permitted
Public Utility	Permitted
Rural Pursuit	Permitted
Private Recreation	Subject to Clause 3.13.12
Buildings for Community Use	In accordance with adopted
Ancillary/Additional	Development Plan or approved
Accommodation	variations thereof.
Home Occupation	Subject to Planning Consent
Equestrian Activity	Subject to Planning Consent
Intensive Agriculture	Subject to Planning Consent
Intensive Native Floriculture	Subject to Planning Consent
Intensive Horticulture	Subject to Planning Consent

(ii) Water tanks shall be fitted with domestic outlets placed so that a reserve of 10 kilolitres is permanently available for fire fighting, and fitted with couplings for fire fighting of a standard satisfactory to the fire control authorities.

9. Rezoning of Lots 5, 6 Pt 101 and Pt 102 of Lot M1471, Lot 1 Swan Loc 1371, Lots 1 and 2 of Swan Loc 1661, and Pt Lot M367 from Rural 1 Zone to Rural 3 Zone, all as shown on The Scheme Amendment Map.
10. Rezoning the following—
  - \* Reserve 42 (Burroloo Well) from Rural 1 Zone to Reserve for Flora and Fauna;
  - \* Lot 3 of Loc 797 and Loc 5372 from Flora and Fauna Reserve to Parks and Recreation Reserve;
  - \* Reserve 41938 from Rural 1 Zone to Reserve for Flora and Fauna, all as shown on the Scheme Amendment Map.
11. Adding to the Scheme Map legend notations for Rural Living B and Rural Living C Zones and the special uses as all shown on the Scheme Map.
12. Adding to Schedule 1 a new interpretation to read as follows—
 

Intensive Agriculture: means the use of the land for the purpose of trade, commercial reward or gain including such buildings and earthworks normally associated with the following—

  - (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
  - (b) the establishment and operation of plant and fruit nurseries;
  - (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
  - (d) the development of land for the keeping, rearing and fattening of pigs, poultry (either for egg or meat or fur production) and other livestock in feed lots;
  - (e) dairy milking sheds;
  - (f) the development of land for the keeping, rearing, or fattening of other livestock above those stocking rates recommended by Agriculture Western Australia in consultation with the surrounding farmers for the applicable pasture types.
  - (g) aquaculture.

Intensive Horticulture: means the use of land for the purpose of horticulture for trade, commercial reward and includes such buildings and structures and earthworks normally associated with the following—

  - (a) flowers, exotic and native plants, fruit and nuts;
  - (b) the establishment and operation of plant nurseries;
  - (c) the development of land for irrigated fodder production and irrigated pastures;
  - (d) aquaculture.

Intensive Native Floriculture: means the use of land for the purpose of horticulture for trade, commercial reward and includes such buildings and structures and earthworks normal associated with the following—

  - (a) establishment and operation of plant nurseries;
  - (b) the development of land for native plants for flowers and seed whereby there is no requirement for high demand of water and fertilisers.
13. Adding new Rural Living Policy Areas to the Scheme as shown on the Scheme Amendment Map.

S. METCALF, President.  
R. P. HOOPER, Chief Executive Officer.



**PD402\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*CITY OF NEDLANDS*  
 TOWN PLANNING SCHEME No. 2—AMENDMENT No. 81

Ref: 853/2/8/4 Pt 81.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Nedlands Town Planning Scheme Amendment on March 10, 1998 for the purpose of rezoning Lot 25 Aberdare Road, Nedlands from Residential R10 to Residential R25.

C. E. BARNES, Mayor.  
 G. FAULKNER, Chief Executive Officer.

**PD403**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*CITY OF SOUTH PERTH*  
 TOWN PLANNING SCHEME No. 5—AMENDMENT No. 89

Ref: 853/2/11/7 Pt 89 Vol 2.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of South Perth Town Planning Scheme Amendment on March 10, 1998 for the purpose of—

1.0 ON THE SCHEME MAP—

- 1.1 Reclassifying Lot 690 Gillon Street from “Public Use Reserves” to Residential—R zone with R20 density code.
- 1.2 Reclassifying Reserve 34238 and portions of Reserve 36791 from “Open Space Reserves—Park and Recreation Area” to Residential—R zone with R20 density code.
- 1.3 Reclassifying portion of Reserves 34239 and 38314 from “Open Space Reserves—Park and Recreation Area” to Residential—R zone with R20 density code.
- 1.4 Reclassifying Lot 651 Walanna Drive from “Special Reserves—Civic and Cultural Area” to Residential—R zone with R20 density code.
- 1.5 Reclassifying portion of Lowan Place and Yaralla Place road reserves from “Communications Reserve—Local Roads” to Residential—R zone with R20 density code.
- 1.6 Changing the Residential density code from R50 to R20 for—
  - Lot 86 Walanna Drive/Lowan Place;
  - Lot 88 Lowan Place;
  - Lot 45 Yaralla Place; and
  - Lot 46 Walanna Drive/Yaralla Place.
- 1.7 Changing the Residential density code from R30 to R20 for—
  - Lot 25 Mireen Court; and
  - Lot 18 Mireen Court.
- 1.8 Reclassifying portion of pedestrian accessways between Yaralla Place and Melinga Court, and Miamba Court and Lurnea Place from “Communications Reserve—Local Roads” to Residential—R zone with R20 density code as depicted in the Scheme Amendment Map.

2.0 IN THE SCHEME TEXT—

- 2.1 In Schedule B Plan No. B6 deleting reference to “Building Height Zone 3” and the designation of land in the Karawara locality within this height zone and in its place designating that land as being within “Building Height Zone 2”.
- 2.2 Amending Clause 11 by inserting the following definition immediately after the definition of ‘Karawara’—
 

“‘Karawara Redevelopment Area’ means that portion of the Scheme Area delineated in Schedule K to the Scheme;”
- 2.3 Amending Clause 52 by inserting the following words after “...in Karawara”—
 

“except on land within the Karawara Redevelopment Area.”
- 2.4 Amending Clause 71(1)(e) by inserting the following words after “...in Karawara”—
 

“except on land within the Karawara Redevelopment Area.”
- 2.5 Amending Clause 71(2) by inserting the following words after “...in Karawara”—
 

“except on land within the Karawara Redevelopment Area.”

- 2.6 Amending Clause 80 by inserting the following words after "in Karawara"—  
 "except on land within the Karawara Redevelopment Area."  
 2.7 Inserting Schedule K "Karawara Redevelopment Area".

J. E. HARDWICK, Mayor.  
 L. L. METCALF, Chief Executive Officer.

**PD404\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*CITY OF SOUTH PERTH*

TOWN PLANNING SCHEME No. 5—AMENDMENT No. 93A

Ref: 853/2/11/7 Pt 93A.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of South Perth Town Planning Scheme Amendment on March 10, 1998 for the purpose of—

1. Rezoning—
  - (a) Land known as Right-of-Way No. 70 extending between South Terrace and Coode Street, South Perth, from "Public Use Reserve—Public Purposes (Car Park)"; and
  - (b) Lot Pt 212 (No. 77) South Terrace, South Perth, from "Residential-R (R50) Zone", to "Shopping S1 Zone".
2. Amending the Scheme Map accordingly.

J. E. HARDWICK, Mayor.  
 L. L. METCALF, Chief Executive Officer.

**PD405\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION  
*SHIRE OF ALBANY*

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 167

Ref: 853/5/4/5 Pt 167.

Notice is hereby given that the local government of the Shire of Albany has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 101 and portion Lot 102 of TAA Location 33, Cosy Corner Road, Torbay, from the Motel Zone to the Special Use Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including April 28, 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before April 28, 1998.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

R. GERAGHTY, Chief Executive Officer.

**PD406\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION  
*SHIRE OF WAROONA*

TOWN PLANNING SCHEME No. 7—AMENDMENT No. 1

Ref: 853/6/10/10 Pt 1.

Notice is hereby given that the local government of the Shire of Waroona has prepared the abovementioned scheme amendment for the purpose of—

1. amending the Scheme Map by rezoning Lots 20 and 21 Wellington Location 3168, Southern Estuary Road, Waroona from "Rural 1—General Farming" to "Rural 6—Rural Residential"; and



2. adding to Schedule 2 of the Scheme Text special provisions to control subdivision and development of Lots 20 and 21 Location 3168.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 52 Hesse Street, Waroona and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including April 28, 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before April 28, 1998.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

K. T. O'CONNOR, Chief Executive Officer.

**PD407\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*SHIRE OF WONGAN-BALLIDU*

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 5

Ref: 853/3/19/4 Pt 5.

Notice is hereby given that the local government of the Shire of Wongan-Ballidu has prepared the abovementioned scheme amendment for the purpose of—

1. Amending the Scheme Map by rezoning Melbourne Lots 163-165 Danubin Street, Wongan Hills from Special Industry to Rural Residential.
2. Including special provisions in Schedule 2.
3. Introducing Schedule 8 with special provisions relating to the Rural Residential Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Corner Quinlan Street and Elphin Crescent, Wongan Hills and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including April 28, 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before April 28, 1998.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

F. J. PECZKA, Chief Executive Officer.

**PD408\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*SHIRE OF SERPENTINE-JARRAHDAL*

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 77

Ref: 853/2/29/3 Pt 77.

Notice is hereby given that the local government of the Shire of Serpentine-Jarrahdale has prepared the abovementioned scheme amendment for the purpose of—

1. Including portion of Part Lots 521 and 523 South Western Highway, Byford within the Residential Zone, Commercial Zone, Public Open Space Reserve and Public and Community Purposes Reserve.
2. Applying Residential Planning Code densities to the land being included in the Residential Zone.

Plans and documents setting out and explaining the scheme amendment and Environmental Review have been deposited at Council Offices, 6 Paterson Street, Mundijong and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including April 28, 1998.

Submissions on the scheme amendment, Environmental Review and the revised plan should be made in writing on Form No. 4 and lodged with the undersigned on or before April 28, 1998.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

N. D. FIMMANO, Chief Executive Officer.

**PD409\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME  
*SHIRE OF CAPEL*  
TOWN PLANNING SCHEME NO 7

Ref: 853/6/7/7

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Capel Town Planning Scheme No 7 on February 14, 1998—the Scheme Text of which is published as a Schedule annexed hereto.

W. C. SCOTT, President.  
R. G. BONE, Chief Executive Officer.

Schedule  
SHIRE OF CAPEL DISTRICT  
PLANNING SCHEME  
TOWN PLANNING SCHEME NO.7  
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- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of the Scheme
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- 1.7 Revocation of Existing Schemes
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PART IV—NON-CONFORMING USES

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- 5.2 Development Table
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PART VII—GENERAL PROVISIONS

- 7.1 Access for Loading and Unloading of Vehicles
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  - APPENDIX 11—Exempted Advertisements Pursuant to Clause 6.12.4
  - APPENDIX 12—Application for Planning Consent
  - APPENDIX 13—Notice of Public Advertisement of Development Proposed
  - APPENDIX 14—Notice of Approval
  - APPENDIX 15—Residential Precincts

The Council of the Shire of Capel under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended), hereinafter referred to as “The Act”, hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

#### PART I—PRELIMINARY

##### 1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Capel—District Town Planning Scheme No. 7—hereinafter called “The Scheme” and shall come into operation on the publication of notice of the Minister’s final approval thereof in the Government Gazette.

##### 1.2 RESPONSIBLE AUTHORITY

The responsible authority for carrying out the Scheme is the Council of the Shire of Capel, hereinafter referred to as “The Council”.

##### 1.3 SCHEME AREA

The Scheme applies to the whole of the land within the Municipal District of the Shire of Capel hereinafter called “the Scheme Area”.

##### 1.4 CONTENTS OF THE SCHEME

The Scheme comprises of—

- (a) this Scheme Text
- (b) the Scheme Map sheets 1—10

##### 1.5 ARRANGEMENT OF THE SCHEME

The Scheme is divided into the following Parts—

- Part I—Preliminary
- Part II—Reserves
- Part III—Zones
- Part IV—Non-conforming Use
- Part V—Development of Land and Requirements in Particular Zones
- Part VI—Shire Land Use Strategy

Part VII—General Provisions

Part VIII—Administration

### 1.6 SCHEME OBJECTIVES

- 1.6.1 To direct and control the development of the Scheme area in such a way as shall promote and safeguard the health, safety, economic and general welfare of its inhabitants and shall conserve the natural values of the District.
- 1.6.2 To reserve land required for public purposes.
- 1.6.3 To control the use of land by allocating zones to land within the Scheme area for the various purposes described in the Scheme. 1.6.4 To provide standards to secure and maintain the orderly and properly planned development of land within the Scheme Area.
- 1.6.5 To make provision for other matters authorised by the enabling Act.

### 1.7 REVOCATION OF EXISTING SCHEME

Shire of Capel Town Planning Schemes numbered 2,4,5 and 6 which came into operation by publication in the Government Gazette on the 5th April 1974, 3rd December 1982, 20th July 1984 and 1st February 1985, respectively, and all amendments thereto are hereby revoked.

### 1.8 INTERPRETATION

- 1.8.1 Except as provided in Clause 1.8.2 and 1.8.3, the words and expressions of the Scheme have their normal and common meaning.
- 1.8.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix I, the Act and the Residential Planning Codes.
- 1.8.3 Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

## PART II—RESERVED LAND

- 2.1 The Scheme Area contains 4 types of reserves set out hereunder:-
  - Recreation
  - Public Purposes
  - Major Road
  - Railway
- 2.2 Land set aside under this Scheme for the purpose of a reservation is deemed to be reserved for the purpose indicated on the Scheme Map. On land designated as a Public Purposes Reserve the purpose shall be that which is notated on the Scheme Map or where no notation is given the purpose shall be that for which a Public Authority has acquired the land or holds the vesting of the land pursuant to the Land Act 1933 (as amended).
- 2.3 Except as otherwise provided in this Part a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining the written consent of the Council.
- 2.4 In giving its consent the Council shall have regard to the ultimate purposes intended for the reserve and shall in the case of land reserved for the purpose of a public authority confer with that authority before giving its consent.
- 2.5 Where a Council refuses planning consent for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants consent subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.
- 2.6 Claims for such compensation shall be lodged at the office of the Council not later than six calendar months after the date of the decision of the Council refusing consent or granting it subject to conditions that are unacceptable to the applicant.
- 2.7 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning consent or of the grant of consent subject to conditions that are unacceptable to the applicant.
- 2.8 The Council may deal with or dispose of land acquired for a Reserve or pursuant to Clause 2.7 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

## PART III—ZONES

### 3.1 ZONES

- 3.1.1 There are hereby created the several zones set out hereunder—
  - Residential
  - Rural
  - Special Rural

Town Centre  
 Light Industry  
 General Industry  
 Special Uses  
 Foreshore Protection

3.1.2 The zones are delineated and depicted on the Scheme map according to the legend thereon.

### **3.2 ZONING TABLE**

3.2.1 The Zoning Table contained in Appendix 2 to this Scheme indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones such uses being determined by cross reference between the list of Use Classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

3.2.2 The symbols used in the cross reference in the zoning table have the following meanings—

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- 'AA' means that the use is not permitted unless the Council has granted its planning consent;
- 'SA' means that the use is not permitted unless the Council has granted planning consent after Notice of Application has been given in accordance with Clause 8.2;
- 'IP' means that the use is not permitted unless incidental to the predominant use as determined and approved by Council;
- 'X' means the use is not permitted by the Scheme.

3.2.3 Where in the zoning table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

3.2.4 If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may—

- (a) Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 8.2 in considering an application for planning consent; or
- (c) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

### **3.3 ADDITIONAL USES**

3.3.1 Notwithstanding anything contained within the zoning table the land specified in Appendix 3 may, subject to compliance with any condition specified in the Appendix with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in that schedule.

3.3.2 Where an implementation date has been included as a condition against an additional use in Appendix 3 and the additional use has not been substantially implemented after expiration of the date specified in the condition then the provisions of Clause 3.3.1 shall cease to have effect for that particular use.

### **3.4 SPECIAL USE ZONE**

No person shall use land or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Appendix 4 and subject to compliance with any conditions specified in the Appendix with respect to the land.

## **PART IV—NON-CONFORMING USES**

### **4.1 NON-CONFORMING USE RIGHTS**

Except as otherwise provided in this part, no provision of the Scheme shall prevent—

- (a) The continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
- (b) The carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

### **4.2 EXTENSION OF NON-CONFORMING USE**

A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning

consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

#### **4.3 CHANGE OF NON-CONFORMING USE.**

Notwithstanding anything contained in the zoning table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

#### **4.4 DISCONTINUANCE OF NON-CONFORMING USE**

- 4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
- 4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

#### **4.5 DESTRUCTION OF BUILDINGS**

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the scheme.

#### **4.6 SUBDIVISION OF LAND**

If a non-conforming use exists on any land or in any building thereon, no person shall, without the planning consent of the Council, carry on such non-conforming use after the subdivision of such land.

#### **4.7 REGISTER OF NON-CONFORMING USES**

- 4.7.1 The Council shall keep and maintain a register of non-conforming uses.
- 4.7.2 A person carrying on a non-conforming use shall within six calendar months of the Gazettal date of the Scheme or, within twenty one days after demand in writing by the Council, give to the Council in writing full information of the nature and extent of the non-conforming use.
- 4.7.3 The Council shall note in the register any change to or discontinuance of a non-conforming use.
- 4.7.4 For the purpose of the registration of a non-conforming use in the register the Council shall determine the nature of the use and the appropriate use class based upon the Council's assessment of the evidence before it at the time of making the determination.

### **PART V—DEVELOPMENT OF LAND AND REQUIREMENTS IN PARTICULAR ZONES**

#### **5.1 DEVELOPMENT OF LAND**

- 5.1.1 Subject to Clause 5.1.2, a person shall not commence or carry out development of any land, including a change of use of land, within the Scheme Area without first having applied for and obtained the planning consent of the Council under the Scheme.
- 5.1.2 The planning consent of the Council is not required for the following development of land—
- (a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;
    - (i) For the purpose for which the land is reserved under the Scheme; or
    - (ii) In the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
  - (b) The erection of a boundary fence except as otherwise required by the Scheme;
  - (c) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
  - (d) The carrying out of works for the maintenance, improvement or other alteration of any building, being the works which affect only the interior of the building or which do not materially affect the external appearance of the building or which do not create additional leasable floorspace;
  - (e) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;
  - (f) The erection of a single house, including ancillary outbuildings, in a zone where a single house is permitted by the Scheme, and the relevant development standards and requirements of the Scheme are complied with and a building license is obtained; and
  - (g) The use of land which is permitted in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.



- 5.1.3 Notwithstanding Clause 5.1.2 if Council determines that a development nominated therein may prejudicially affect the amenity of the locality or adjoining land it may require an application for planning consent to be lodged and thereafter such application shall be dealt with in accordance with the Scheme.

## 5.2 DEVELOPMENT TABLE

- 5.2.1 Appendix 5 contains a Development Table—General and a Development Table—Outbuildings which set out the development standards that apply to the various uses of land specified therein, subject to the provisions of the Scheme.
- 5.2.2 Subject to the provisions of the Scheme, no person shall develop any land for a use or purpose specified in the Development Table otherwise than in accordance with the relevant standards of the Development Table.
- 5.2.3 Where a particular use of land is not specified in the Development Table the Council may grant its planning consent to development upon the land subject to such conditions as it thinks fit.
- 5.2.4 Where a development standard is not specified with respect to a particular use of land referred to in the Development Table the Council may apply such development standard as it thinks fit provided that such standard does not contravene the Building Code of Australia.

## 5.3 RESIDENTIAL ZONE

- 5.3.1 Council's objectives in controlling development within the Residential Zone are to—
- Provide sufficient zoned land in appropriate locations to meet the needs of the anticipated population without restricting the choice of sites;
  - Promote and safeguard the health, safety, convenience, general welfare and the amenities of residential areas and their inhabitants.
- 5.3.2 Council's policy in carrying out the objectives for land zoned Residential is as follows—
- Subdivisions shall have regard to any overall structure plan adopted by Council; and
  - The Residential Planning Codes shall apply to all residential development as provided for in this Scheme.
- 5.3.3 Residential Planning Codes—
- 5.3.3.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning codes set out in Appendix No. 2 to the Statement of Planning Policy No. 1 together with any amendments thereto.
- 5.3.3.2 A copy of the Residential Planning Codes shall be kept and made available for public inspection at the offices of the Council.
- 5.3.3.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes and the Schedules to those Codes.
- 5.3.3.4 The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Code density numbers superimposed on the particular areas shown on the Scheme Map as being contained within the outer edges of the black borders or, where adjoining, as being contained within the centre lines of those borders.
- 5.3.3.5 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular standard of the R.Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.
- The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that—
- The variation requested is one which the Council has the power to approve; and
  - Approval of that variation would not compromise the objectives of the R.Codes.
- 5.3.4 Special Application—Residential Planning Codes
- 5.3.4.1 In the areas coded R10/R15 the R10 development standards shall apply unless the site is connected to a reticulated sewerage system.
- 5.3.4.2 Where the R2.5 or R5 development standards apply the minimum setback from side boundaries shall be 6 metres and the provisions of Clauses 1.5.8 (c), (d), (e) and (f) and 2.1.2 of the Residential Planning Codes shall not apply.
- 5.3.4.3 Additional Accommodation shall comply with the provisions of Clause 7.2 of the Scheme.
- 5.3.4.4 Council may if it so desires adopt a plan setting out the position of a building envelope having a maximum area of 1000m<sup>2</sup> on lots within an area with a residential density code of R.2.5. Upon adoption of the plan by Council the owner of a lot shall construct all future buildings within the building envelope shown thereon unless Council approves a modification to the adopted plan.
- 5.3.4.5 Where the residential density code of R1 is applied to land within the Scheme the development standards set out in the Residential Planning Codes for the Code of R2.5 shall apply.

### 5.3.5 Parking of Commercial Vehicles

5.3.5.1 No commercial vehicle in excess of three tonnes tare weight shall be permitted on any residential lot without the Planning Consent of the Council except for the purpose of delivery or loading normally associated with domestic uses.

5.3.5.2 The Council shall not grant its consent under Clause 5.3.5.1 unless—

- (a) Provision is made for the vehicle to be housed in a garage or parked behind the building line;
- (b) In the Council's opinion the parking of the vehicle will not prejudicially affect the amenity of the neighbourhood due to emission of light, noise, vibration, smell, fumes, smoke or dust.

5.3.5.3 Where the Council grants its consent pursuant to Clause 5.3.5.1 such consent shall be on an annual basis renewable at the Council's discretion and the Council shall not renew its consent if the parking of the vehicle in question—

- (a) Is determined by Council to be causing a nuisance or annoyance to the owners or occupiers of land in the neighbourhood; or
- (b) Does not comply with the provisions of Clause 5.3.5.2.

5.3.5.4 Where the Council revokes its approval or decides not to renew its consent for the parking of such a vehicle on a residential lot, no person shall upon the subject land park a vehicle in excess of three tonnes tare weight without the approval of the Council.

### 5.3.6 Areas Not Connected to a Public Reticulated Water Supply

An owner or occupier of a lot zoned Residential and which is not connected to a public reticulated water supply shall—

- (a) Connect any new dwelling to a rainwater storage tank having a minimum capacity of 92,000 litres; and
- (b) Limit clearing of natural vegetation on the lot to a building envelope having an area of 1000m<sup>2</sup> and any additional clearing necessary to establish a drive any and firebreaks required pursuant to and an Order made under Section 33 of the Bush Fires Act 1954 (as amended).

### 5.3.7 Residential Precinct Standards

In addition to any provisions which are more generally applicable to land zoned Residential Appendix 15 sets out specific standards for the development of land within particular Residential Precincts which are identified on the Scheme Map sheets.

## 5.4 TOWN CENTRE ZONE

5.4.1 Council's objectives in controlling development within the Town Centre are to—

- (a) Encourage development of a high environmental standard appropriate to a Town Centre serving both the town and surrounding rural community;
- (b) Promote convenient and safe shopping facilities and relate these to the social, business and entertainment functions of the Town Centre;
- (c) Encourage a wide range of compatible uses under one zone including shops, offices, car parks, cultural and community facilities, mixed development and new concepts; and
- (d) Promote townscape improvement in accordance with an adopted Townscape Plan.

5.4.2 Notwithstanding the development standards set out in the Development Table contained in Appendix No. 5 Council may approve the following variations within the Town Centre Zone—

- (a) A bonus plot ratio of 20% may be granted where Council is satisfied that public open area or areas, courtyards or colonnades or other setbacks or preservation of historic structures warrants the increase in the permissible plot ratio;
- (b) Site coverage up to 100% where Council is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing, loading and unloading, stormwater drainage, effluent disposal and any other matter which Council deems necessary; and
- (c) A zero building setback from the front boundary where landscaped and paved pedestrian areas are to be provided adjacent to the front boundary, and Council is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing loading and unloading.

## 5.5 LIGHT INDUSTRY ZONE

5.5.1 Council's objectives in controlling development within the Light Industrial Zone are to—

- (a) Encourage the consolidation and improvement of industrial development into areas appropriately located and controlled for that purpose; and
- (b) Protect the amenity of adjacent areas.

5.5.2 Council's policy in carrying out the objectives for land zoned for Light Industry is—

- (a) Subdivision should have regard to an overall structure plan adopted by Council.
- (b) Landscaped buffers shall be established and maintained in accordance with an approved plan relating to the zone as a whole.

**5.5.3 Factory Tenement Buildings—**

No person shall construct a factory tenement building unless—

- (a) Each tenement has a floor area of at least 100 square metres;
- (b) The floor of each tenement has a minimum dimension of at least eight metres;
- (c) Each tenement has an adjoining open storage yard at least one half the floor area of the tenement;
- (d) Every open storage yard is screened from view from a public road by a wall or fence not less than 1.8 metres in height;
- (e) Each tenement together with its open storage yard has direct access to a service access road not less than six metres in width; and
- (f) Each tenement is separated from each adjoining tenement by an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by the Council.

**5.6 SPECIAL RURAL ZONE**

5.6.1 Council's objective in making provision for a Special Rural Zone is to identify land within the Scheme Area which is suitable for closer subdivision to provide for such uses as hobby farms, rural-residential retreats, intensive agriculture including market gardens and viticulture, the keeping of horses in such a manner as to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

5.6.2 In addition to any provisions which are more generally applicable to land zoned Special Rural, Appendix 6 sets out specific provisions for controlling, land uses and development relating to particular Special Rural Zone Areas. No person shall use or develop land zoned Special Rural except in accordance with the provisions set out for the particular Special Rural Zone Area. The Appendix also sets out subdivision areas that the Council shall recommend to the Western Australian Planning Commission.

5.6.3 On land zoned Special Rural, the following general provisions shall apply—

- (a) Subdivision to be generally in accordance with an adopted subdivision guide plan for a particular Special Rural Zone Area;
- (b) All buildings erected on a lot shall have a minimum setback of 20m from all lot boundaries unless otherwise specified in a particular Special Rural Zone Area;
- (c) Council may if it so desires adopt a plan setting out the position of a building envelope on lots. Upon adoption of the plan by Council the owner of a lot shall construct all future buildings within the building envelope shown thereon unless Council approves modification to the adopted plan;
- (d) No more than one single dwelling house per lot shall be erected;
- (e) No person shall clear natural vegetation or any part of a lot, except for the purpose of establishing fire breaks, driveways and areas for buildings, without the written approval of the Council;
- (f) Prior to subdividing land, a developer shall liaise with the Bush Fires Board and Council to identify a system of strategic and individual lot fire breaks to be constructed at the time of subdivision;
- (g) With the intention of preventing land degradation Council may, with the advice of Agriculture Western Australia specify, require removal of, or reduction in, the number of stock on any lot within the zone;
- (h) Prior to occupation of any dwelling house within the zone, it shall be provided with a potable water supply by connection to either a public reticulated water system, an underground bore or a rainwater storage system with a minimum capacity of 92,000 litres, or a combination of either to the satisfaction of the Council; and
- (i) Any owner of a lot on which a strategic firebreak has been constructed by a subdivider shall maintain the firebreak in the position and in accordance with the dimensions and standards of construction that were set at the time of subdivision. Where a strategic firebreak alignment passes from one lot to an adjoining lot or to a road reserve the owner of the lot or lots shall provide a gateway with a minimum width of 3.6 metres in boundary fences.

**5.7 RURAL ZONE**

5.7.1 Council's objective in the assessment of subdivision referrals and management of land uses in the Rural Zone is to preserve the character of the rural area, discourage the removal of prime agricultural land from agricultural production and prevent adverse affects on the continuation of established or potential agricultural industries.

5.7.2 Council's policy in assessing applications for Planning Consent, or referrals from the Western Australian Planning Commission of subdivision applications, will be to have regard to—

- (a) The objective set out in Clause 5.7.1 and any policy document adopted pursuant to Clause 8.9 of the Scheme which is directed at achieving that objective;

- (b) The need to provide for land to be held in lots that are suitable for the long term use of the land for Rural Pursuits, and in particular applications for subdivision of Rural land should demonstrate the facilitation of ongoing farming of the land;
  - (c) The availability of services required to support the proposed development or subdivision and the economic impact of the provision, extension or upgrading of those services that may be required;
  - (d) The adequacy of the roads, existing or proposed in the area, which may be needed to support the amount of road traffic expected to be generated by the development or subdivision; and
  - (e) The need to impose such conditions as Council deems appropriate in order to minimise any adverse affect the development or subdivision may have on the environment of the area.
- 5.7.3 In the Rural Zone the following shall apply to buildings—
- (a) No more than one single dwelling house per lot shall be erected unless Council is satisfied that an additional dwelling is required to provide accommodation for a farm employee on a lot used as part of an economically active farming enterprise.
  - (b) Subject to Clause 7.11.2(d) of the Scheme, the minimum setback from lot boundaries for a building is 20 metres.
  - (c) A building shall not be constructed on a lot where the distance between side boundaries precludes the building from being setback a minimum of 20 metres from such boundaries.
  - (d) A lot on which it is proposed to construct a dwelling shall at the discretion of Council have frontage to a constructed public road which has a minimum standard of a graded and stabilised track within a dedicated road reserve.
- 5.7.4 In the Rural Zone the following shall apply to lots with an area of less than 15ha—
- (a) Notwithstanding that in table no. 1 of the Scheme a number of uses of land are designated as uses that are permitted ("P") under the Scheme in the Rural Zone, all such uses of land, other than a single dwelling, shall not be permitted unless approval is granted by the Council.
  - (b) Applications for the approval of the Council required by Sub-clause 5.7.4(a), shall be dealt with in accordance with Clauses 8.1 and 8.3 of the Scheme.
  - (c) The Council shall have regard to the following in considering an application for its approval required by Sub-clause 5.7.4(a)—
    - (i) The suitability of the land for the proposed use and without limiting the generality of the foregoing the potential for environmental degradation.
    - (ii) The likelihood of any adverse impacts on the amenity of the locality.
    - (iii) The likelihood of any adverse impacts on established Rural Uses in the locality.
    - (iv) The standard of road access to the lot and the extent of any contribution to the upgrading of the road that it may require.

## 5.8 SPECIAL USE ZONE

Notwithstanding any other provision of the Scheme in regard to a development permitted in a Special Use Zone Council may at its discretion specify additional site requirements in regard to lot area, minimum effective frontage, development type and style, plot ratio, car parking, setbacks or any other development provision.

## 5.9 FORESHORE PROTECTION ZONE

- 5.9.1 Council's objectives in controlling development within the Foreshore Protection Zone are to—
- (a) Protect the foreshores of the ocean, rivers, watercourses and lakes from development which may cause land degradation, including that resulting from wind and water erosion; and
  - (b) Permit the use of land in a manner consistent with the long term stability of the foreshore land.
- 5.9.2 The uses of land permitted within the zone are Rural Pursuit, Public Recreation, Drainage and such other uses as determined by Council to be consistent with Clause 5.9.1.
- 5.9.3 With the intention of preventing land degradation Council may, with the advice of Agriculture Western Australia, require removal of, or reduction in, the number of stock on land within the zone or require modification to cultivation practices.

## PART VI—LAND USE STRATEGY

### 6.1 SHIRE LAND USE STRATEGY

- 6.1.1 Council may from time to time prepare and review a Land Use Strategy for the Shire for the purpose of setting scheme policies for the management of development, land uses and subdivision in all areas of the Scheme.
- 6.1.2 A Shire Land Use Strategy shall have the status of a Scheme Policy and be adopted in accordance with the procedure set out in Clause 8.9 of the Scheme after compliance with any

requirement of the Western Australian Planning Commission in respect to the preparation of such a strategy.

- 6.1.3 The Scheme shall be amended to incorporate appropriate sections of the Land Use Strategy which are necessary to implement land use proposals.
- 6.1.4 A Shire Land Use Strategy may set out policy areas selected for various uses of land and in particular those uses provided for in the various zones described in Part V of the Scheme.
- 6.1.5 When determining a planning consent application, a subdivision referral from the WAPC or a change of zone, Council shall consider the Land Use Strategy.

#### PART VII—GENERAL PROVISIONS

##### 7.1 ACCESS FOR LOADING AND UNLOADING OF VEHICLES

- 7.1.1 No person shall use a building for business or industry or for any purpose for which a licence has been granted under the Liquor Licensing Act 1988, unless there is provided a paved access-way for vehicles from a street to the rear of the building for the purpose of loading and unloading and of a nature mentioned hereunder.
- 7.1.2 The access-way shall be so constructed that vehicles using it may return to a street in forward gear.
- 7.1.3 If there exists a right-of-way to the side or rear of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right-of-way and the area shall be of such a size that if no alternative route exists vehicles may manoeuvre so as to return to a street in forward gear.
- 7.1.4 Except as hereinafter mentioned the access-way shall be not less than four and one half metres in width. If the size of the lot makes the provision of a four and one half metres wide access-way impracticable or unreasonable the Council may permit an access-way of a narrower width but in no case less than three metres in width.

##### 7.2 ANCILLARY ACCOMMODATION

Where Council grants approval to the development of ancillary accommodation the following shall apply—

- (a) The accommodation shall be attached to the dwelling;
- (b) The total floor area of the accommodation shall not exceed 60m<sup>2</sup> and there shall be a maximum of two habitable rooms;
- (c) The accommodation shall not be occupied without a permit to do so being granted by Council; and
- (d) The owner of any premises for which approval has been granted for use as additional accommodation shall notify the Council forthwith when the occupant for whom the approval was granted no longer permanently resides therein and the premises shall not then be re-occupied as Added Accommodation Unit without prior approval of the Council.

##### 7.3 TRAFFIC ENTRANCES

- 7.3.1 The Council may refuse to permit more than one vehicular entrance or exit to or from any lot. The Council may require separate entrances and exits; or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.
- 7.3.2 Access to a lot for vehicles shall not be permitted directly to or from major roads where access is available from side or rear streets.
- 7.3.3 Where access to a lot abutting a major road is available only from that road, parking, servicing and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear.

##### 7.4 DISPOSAL OF WASTES

No person shall, without the approval of the Council, use any land for the disposal or dumping of any form of rubbish or waste matter, either temporarily or permanently, other than in conjunction with a permitted or approved use of the subject land.

##### 7.5 HOME OCCUPATIONS

- 7.5.1 A person may with the Planning Consent of Council, conduct a Home Occupation provided that the Home Occupation complies with the following—
- (a) It does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
  - (b) It does not entail the employment of any person not a member of the occupier's family;
  - (c) It does not occupy an area greater than 20 square metres, provided that Council may at its discretion approve of the use of more than 20 square metres of area on a lot which has an area of more than 1 hectare;



- (d) It does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
  - (e) It does not, in the opinion of the Council, by reason of its nature or scale, constitute a use that would be more appropriately located in a zone other than a Residential, or Special Rural Zone; and
  - (f) It will not, in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area.
- 7.5.2 Council's Planning Consent to carry on a home occupation shall apart from any specific conditions imposed by Council, be subject to the following general conditions—
- (a) The approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
  - (b) The approval shall not run with the land in respect of which it was granted;
  - (c) The person to whom approval is granted by the Council to carry on a home occupation shall not carry on that home occupation at any premises other than the land in respect of which the Council's approval is granted;
  - (d) A time limit of 12 months after which the home occupation must cease unless a further Planning Consent is granted; and
  - (e) If a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw the approval granted by it and after such withdrawal, no person shall upon the subject land carry on a home occupation unless a further approval to do so is granted by the Council.

#### **7.6 PROTECTION OF COASTAL AREA**

- 7.6.1 In order to preserve and protect against development which may or could destroy the existing physical characteristics and flora adjacent to the coast no development except—
- (a) A public road;
  - (b) A public footpath;
  - (c) A building for the use or convenience of the general public;
- and for which Council approval has been given shall be permitted generally within 100 metres of the seaward crest of a stable sand dune, which is undisturbed by wave or wind erosion.
- 7.6.2 Notwithstanding the provisions of Clause 7.6.1 Council may approve of a use and/or development with a greater or lesser setback where in an adopted Coastal Management Plan for a locality, a greater or lesser setback is specified for a particular use and/or development.

#### **7.7 DEVELOPMENT OF LOTS WITH MORE THAN ONE STREET FRONTAGE**

In the case of all zones except the Residential Zone Council shall decide to which street frontage the street setback shall be applied and allow up to a 50% reduction in the street frontage setback to the other street provided that adequate sight lines for traffic are maintained and the requirements of Clause 7.8 are complied with.

#### **7.8 VISUAL TRUNCATION—CORNER LOTS AND VEHICULAR ACCESS WAYS**

Except with the approval of the Council, no building, wall, fence or other form of visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 15 metre truncation of a street corner as depicted in Appendix 7 or within a 3 metre by 1.5 metre truncation of a vehicular accessway as depicted in Appendix 7.

#### **7.9 CAR PARKING**

- 7.9.1 The off street car parking requirements for particular uses are listed in Appendix 8.
- 7.9.2 Land and buildings shall not be used or developed—
- (a) For any use mentioned in Appendix 8 unless off street parking is provided in accordance with the requirements set out therein; or
  - (b) For any use not mentioned in Appendix 8 unless off street parking is provided as determined by Council.
- 7.9.3 All off street parking areas shall be—
- (a) Designed and laid out in accordance with the specifications set out in Appendix 9; and
  - (b) Paved, marked and drained to the reasonable satisfaction of Council.
- 7.9.4 Where the owner can demonstrate to the satisfaction of the Council that there is not the demand for the number of parking spaces specified in the Appendix 8 landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping, provided that the Council may from time to time require that additional parking spaces be provided by the owner up to the maximum number specified in the Zoning and Development Table.



- 7.9.5 In the Town Centre Zone where a developer can satisfy the Council that the minimum car parking requirements cannot be provided on the site the Council may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this Clause—
- (a) A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value as estimated by the Valuer General, or by a licensed Valuer appointed by Council of that area of his land which would have been occupied by the parking spaces; and
  - (b) Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment; and payments made under this Clause shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks anywhere in the immediate vicinity.
- 7.9.6 Council may approve an application for development where the number of car parking spaces proposed to be provided is less than the number required pursuant to the Scheme provided the applicant can demonstrate that other off street parking facilities are available to be shared with other land uses operating at different times and provided—
- (a) The Council is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
  - (b) Land owners who request sharing of parking facilities enter into a legal agreement for reciprocal rights to parking facilities.

### 7.10 LANDSCAPING

The landscaping requirement shown in the Development Table or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of Council natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces, and other open storage areas shall not be included. In considering the landscaping requirement of any application for planning consent, the following criteria shall apply—

- (a) Access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included;
- (b) The Council may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that require little maintenance;
- (c) Where a proposed development utilises less than fifty percent of the allowable plot ratio, the Council may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs;
- (d) Except where the provisions of the Scheme specify otherwise, a requirement of the landscaping of any development is that one native or locally acceptable tree capable of growing to a height of at least five metres shall be planted for every ten square metres of landscape area. Council may relax this requirement in the case of residential land use;
- (e) Landscaping required pursuant to this Scheme or pursuant to a conditional planning consent shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the Council and shall thereafter be permanently maintained to the satisfaction of the Council; and
- (f) A landscaping strip with a minimum width of 2m shall be provided between car parking areas and adjoining street boundaries.

### 7.11 HIGHWAY PROTECTION AREA

- 7.11.1 Land bounded by the Highway Protection Lines defined on the Scheme Map as being 100 metres distant from either side of the centre line of the road reserve of Bussell Highway, South Western Highway, or by the boundary of the Railway Reserve, where such reserve adjoins the Highway, shall be a Highway Protection Area within which special conditions shall apply to uses allowable under the Scheme zoning provisions in order to protect the function, amenity and visual character of the Highway.
- 7.11.2 Within the Highway Protection Area the following conditions will apply in addition to, or in limitation of any other conditions or limitations imposed under the zoning provisions of this Scheme.
- (a) The Council shall not approve the erection of any advertisement for a service or commodity, which is not produced, offered or sold on the lot on which the advertisement is erected;
  - (b) The Council will not approve the erection of an advertisement for the sale of land other than on the lot which is offered for sale;
  - (c) Subdivision of land zoned Special Rural in the Highway Protection Area shall not be approved without the responsible authority being satisfied that ribbon development control measures have been considered and that access points to the Highway are limited to those approved by Council and the Main Roads Department. Service roads may be provided in the Special Rural zoned land to connect to the approved access points on the Highway;

- (d) A building setback line of 40 metres from the edge of the Highway reserve will apply. Service roads may be constructed within this building setback area;
- (e) Notwithstanding the provisions of Clause 7.11.2(d) of this clause the building lines within the Special Rural Zone shall be determined by Council in accordance with requirements for specific Special Rural Zone areas set out in Appendix 6.
- (f) Council in its absolute discretion may refuse, limit or otherwise restrict an extractive industry within the Highway Protection Area.

## 7.12 ADVERTISEMENTS

### 7.12.1 Power to Control Advertisements

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the planning consent of Council. Such planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Local Laws.

Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 8.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 10 giving details of the advertisement(s) to be erected, placed or displayed on the land.

### 7.12.2 Existing Advertisements

Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of the Scheme, hereinafter in this part referred to as "existing advertisements", may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

### 7.12.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

### 7.12.4 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 7.12.1, the Council's prior consent is not required in respect of those advertisements listed in Appendix 11 which for the purpose of this Part are referred to as "exempted advertisements". The exemptions listed in Appendix 11 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- (a) listed by the National Trust; or
- (b) listed on the register of the National Estate; or
- (c) included in local authority town planning schemes because of their heritage or landscape value.

### 7.12.5 Discontinuance

Notwithstanding the scheme objectives and Clause 7.12.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

### 7.12.6 Derelict or Poorly Maintained Signs

Where, in the opinion of Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to—

- (a) Repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or
- (b) Remove the advertisement.

### 7.12.7 Notices

"The Advertiser" shall be interpreted as any one group or any group comprised of the land owner, occupier or licensee.

Any notice served in exceptional circumstances pursuant to Clause 7.12.5 or pursuant to Clause 7.12.6 shall be served upon the advertiser and shall specify—

- (a) The advertisement(s) the subject of the notice;

- (b) Full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) The period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

Any person upon whom a notice is served pursuant to this Part may within a period of 60 days from the date of the notice appeal to the Hon. Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

#### 7.12.8 Scheme to Prevail

Where the provisions of this Part are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Local Laws, the provisions of the Scheme shall prevail.

#### 7.12.9 Enforcement and Penalties

The offences and penalties provisions specified in Clause 8.5 of the Scheme apply to the advertiser in this part.

### 7.13 WAYSIDE STALLS

- 7.13.1 No person shall erect or maintain a wayside stall on private land associated with a rural pursuit or otherwise unless the Council has granted planning consent to do so, and such stall shall not offer for sale any commodity that has not been grown or produced on the land on which the stall is situated.
- 7.13.2 In making its determination on an application for planning consent, Council shall take into consideration the following matters—
  - (a) The position and width of all points of vehicular access to the site and areas set aside for parking of vehicles are adequate and do not cause a hazard to the free flow of traffic;
  - (b) Advertising signs associated with the stall do not detract from the landscape character of the locality or have an undesirable effect on the safety of vehicles or persons using the road;
  - (c) The appearance and design of the stall does not detract from the visual quality of the locality;
  - (d) Any other matter whether of the same kind as the foregoing or not which Council considers relevant; and
  - (e) Where a wayside stall is proposed for land adjoining a controlled access highway or other major highway Council shall refer the matter to Main Roads WA for comment prior to making its determination.
- 7.13.3 A wayside stall shall be setback a minimum distance of 30m from the roadfront boundary of a lot.
- 7.13.4 Notwithstanding the provisions in Clause 7.13.2, no Planning Consent shall be issued for a wayside stall to be located in any part of a controlled access highway or other major highway reserve.

### 7.14 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

#### 7.14.1 Purpose and Intent

The purpose and intent of the heritage provisions are—

- (a) to facilitate the conservation of places of heritage value;
- (b) to ensure as far as possible that development occurs with due regard to heritage values.

#### 7.14.2 Heritage List

- 7.14.2.1 The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.

For the purposes of this Clause, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Inventory.

- 7.14.2.2 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

#### 7.14.3 Designation of Heritage Precincts

- 7.14.3.1 The Council may designate an area of land to be a heritage precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.
- 7.14.3.2 The Council shall adopt for each heritage precinct a policy statement which shall comprise—
  - (a) a map showing the boundaries of the precinct;
  - (b) a list of places of heritage significance;
  - (c) objectives and guidelines for the conservation of the precinct.

- 7.14.3.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.
- 7.14.3.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows—
- (a) the Council shall notify in writing each owner of land affected by the proposal;
  - (b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;
  - (c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to immediately above;
  - (d) the Council shall carry out such other consultations as it thinks fit;
  - (e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;
  - (f) the Council shall forward notice of its decision to the Heritage Council of WA and State Planning Commission.
- 7.14.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.1.3.4 above.
- 7.14.4 Applications for Planning Approval
- 7.14.4.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.
- 7.14.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.
- 7.14.4.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.
- 7.14.4.4 For the purposes of sub-clause 5.1.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that it likely to significantly change the external character of the building, object, structure or place.
- 7.14.5 Formalities of Application
- 7.14.5.1 In addition to the application formalities prescribed in sub-clause 7.14.4 and any formalities or requirements associated with application for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application—
- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
  - (b) In addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan—
  - (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
  - (d) any other information which the Council indicates that it considers relevant.
- 7.14.6 Variations to Scheme Provisions
- 7.14.6.1 Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall—
- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 8.2; and
  - (b) have regard to any expressed views prior to making its decision to grant the variation.

- 7.14.6.2 In granting variations under sub-clause 7.14.6.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

#### PART VIII—ADMINISTRATION

##### **8.1 APPLICATION FOR PLANNING CONSENT**

- 8.1.1 Every Application for Planning Consent shall be made in the form prescribed in Appendix 12 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

- 8.1.2 Unless Council waives any particular requirement every Application for Planning Consent shall be accompanied by—

- (a) A plan or plans to a scale of not less than 1:500 showing—
- (i) Street names, lot number(s), north point and the dimensions of the site;
  - (ii) The location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
  - (iii) The existing and proposed means of access for pedestrians and vehicles to and from the site;
  - (iv) The location, number dimensions and layout of all car parking spaces intended to be provided;
  - (v) The location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas; and
  - (vi) The location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
- (b) Plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
- (c) Any other plan or information that the Council may reasonably require to enable the application to be determined.

##### **8.2 ADVERTISEMENT OF APPLICATIONS**

- 8.2.1 Where an application is made for planning consent to commence or carry out development which involves an 'SA' use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of Clause 8.2.

- 8.2.2 Where an application is made for planning consent to commence or carry out development which involves an 'AA' use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of Clause 8.2.3.

- 8.2.3 Where the Council is required or decides to give notice of an application for planning consent the Council shall cause one or more of the following to be carried out—

- (a) Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof; or
- (c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in Paragraph (b) of this clause.

- 8.2.4 The notice referred to in Clauses 8.2.3(a) and (b) shall be in the form contained in Appendix 13 with such modifications as circumstances require.

- 8.2.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

##### **8.3 DETERMINATION OF APPLICATIONS**

- 8.3.1 In determining an application for planning consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.

- 8.3.2 In determining an application for planning consent the Council shall have regard to such of the following as are appropriate—

- (a) The purpose for which the subject land is reserved, zoned or approved for use under the Scheme;



- (b) Any approved Statement of Planning Policy of the Western Australian Planning Commission;
  - (c) Any policy of the Western Australian Planning Commission or any planning policy adopted by the Government of the State of Western Australia;
  - (d) The size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;
  - (e) The provisions of the Scheme and any Council policy affecting the land;
  - (f) Any comments received from any authority consulted by the Council;
  - (g) Any relevant submissions received in response to giving public notice of the application;
  - (h) The orderly and proper planning of the locality;
  - (i) The preservation of the amenity of the locality; and
  - (j) Any other planning considerations which the Council determines to be relevant.
- 8.3.3 In determining an application for planning consent the Council may refuse its consent or grant its consent subject to such conditions as it deems fit.
- 8.3.4 The Council shall issue its decision in respect of an application for planning consent in the form prescribed in the Appendix 14 to the Scheme.
- 8.3.5 Where the Council grants planning consent, it—
- (a) Continues in force for two years, or such other period as specified in the planning consent, after the date on which the application is approved; and
  - (b) Lapses if the development has not substantially commenced before the expiration of that period.
- 8.3.6 Where the Council grants planning consent, the Council may impose conditions limiting the period of time for which the development is permitted to continue.
- 8.3.7 Where an application is for planning consent for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access or landscaping.
- 8.3.8 The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.
- 8.3.9 Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval or such other date specified by Council in the first approval.
- 8.3.10 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.
- 8.3.11 The application to the Council for approval under Clause 8.3.10 shall be made on the form prescribed in Appendix 12.
- 8.3.12 A development which was not permissible under this Scheme at the time it was commenced or carried out may be approved if at the time of approval under the clause it is permissible.

#### **8.4 POWERS OF THE SCHEME**

The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers—

- (a) The Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- (c) An officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

#### **8.5 OFFENCES**

- 8.5.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area—
- (a) Otherwise than in accordance with the provisions of the Scheme;



- (b) Unless all consents required by the Scheme have been granted and issued;
  - (c) Unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with; and
  - (d) Unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.
- 8.5.2 A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.
- 8.5.3 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.
- 8.5.4 The Council may recover expenses under Section 10(2) of the Act in a court of competent jurisdiction.

### **8.6 CLAIMS FOR COMPENSATION**

Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11(1) of the Act is six (6) months after the date of publication of the Scheme in the Government Gazette.

### **8.7 VALUATIONS**

- 8.7.1 Where it is necessary to ascertain the value of any land for the purpose of the Scheme, the value shall be determined by either the Valuer General or at the option of the Council by an independent and competent valuer appointed by the Council.
- 8.7.2 If an owner shall object to the value so determined he may give notice of such objection to the Council within twenty eight (28) days after having been informed of the said value or any revised value.
- 8.7.3 If the valuer does not agree to change the value to a figure acceptable to the owner, the value shall be determined by arbitration in accordance with the provisions of the Commercial Arbitration Act 1985.

### **8.8 APPEALS**

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

### **8.9 POWER TO MAKE POLICIES**

- 8.9.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.
- 8.9.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed—
- (a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) written submissions may be made to the Council;
  - (b) If a policy may be inconsistent with other provisions of the Scheme or with State and regional planning policies the Council shall submit it to the Western Australian Planning Commission for consideration and advice;
  - (c) The Council shall review its draft Town Planning Scheme Policy in the light of any submissions made, or advice received, and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy; and
  - (d) Following final adoption of a Town Planning Scheme Policy, notification of the final adoption shall be advertised publicly and a copy kept within the Scheme documents for inspection during normal office hours.
- 8.9.3 A Town Planning Scheme Policy may only be amended or rescinded by—
- (a) Preparation and final adoption of a new policy pursuant to Clause 8.9.2, specifically worded to supersede or amend an existing policy; or
  - (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.
- 8.9.4 A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

- 8.9.5 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

#### **8.10 RELAXATION OF STANDARDS**

- 8.10.1 If a development the subject of an application for planning consent does not comply with a standard prescribed by the Scheme applicable thereto the Council may, notwithstanding the non-compliance, by resolution passed by an absolute majority grant planning consent to the development subject to any conditions the Council thinks fit if it is satisfied that—
- (a) If approval were granted, the development would be consistent with the orderly and proper planning of the locality or the likely future development of the locality; and
  - (b) The non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or the likely future development of the locality.
- 8.10.2 Prior to granting planning consent under Clause 8.10.1 the Council may advertise its intention to consider doing so in accordance with Clause 8.2.3.

#### **8.11 DELEGATION**

- 8.11.1 The Council may, either generally or in a particular case by resolution passed by an absolute majority of the Council, delegate to an officer, officers or Committee of the Council, all or any of its functions, rights and powers under this Scheme and those functions required of it under the Act.
- 8.11.2 Any delegation of authority made by the Council pursuant to the preceding clause hereof shall have effect for an indefinite period unless the Council stipulates a lesser period.
- 8.11.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power. The performance of a function by a delegate under Clause 8.11.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.
- 8.11.4 Without affecting the generality of the provisions of this paragraph where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider or have due regard to any matter, then that requirement shall be satisfied if a Committee or officer exercising delegated authority in respect of that power performs the function.
- 8.11.5 A resolution to revoke or amend a delegation under this clause requires an absolute majority.
- 8.11.6 The relevant officer, officers or Committee exercising the power delegated pursuant to the provisions of Clause 8.11.1 shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

### APPENDIX 1

#### **INTERPRETATIONS**

**Abattoir:** means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

**Absolute Majority:** shall have the same meaning as is given to it in the Local Government Act 1960 (as amended).

**Act:** means the Town Planning and Development Act 1928 (as amended).

**Advertisement:** means any work, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.

**Aged Persons Village:** means a building or group of buildings designed for residential occupation by aged persons and includes buildings and parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.

**Amusement Machine:** means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

**Amusement Parlour:** means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

**Ancillary Accommodation:** means self contained living accommodation on the same site as a single house intended to accommodate a member of the family of the occupier of the main dwelling.

**Aquaculture:** means any fish farming operation for which a Fish Farm Licence issued pursuant to the provision of Part V of the Fisheries Act, 1905 (as amended), and the Fisheries Regulations, 1938 (as amended), is required.

**Art Gallery:** means premises used for showing works of art.

**Art and Craft Studio & Sales:** means premises used as a working room by a painter, sculptor, photographer or other craftsperson and includes the sale of art or craft.

**Auction Mart:** means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.

**Authorised Officer:** means any officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.

**Battle-axe lot:** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

**Bed & Breakfast Accommodation:** means accommodation provided for hire or reward under the main roof of a dwelling house for not more than four (4) adults or one family in the form of a maximum of two (2) guest bedrooms and one (1) guest bathroom.

**Betting Agency:** means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).

**Builder's Storage Yard:** means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

**Building:** shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes.

**Building Envelope:** means an area of land within a lot marked on a plan adopted by resolution of the Council within which all buildings on the lot must be contained.

**Building Line:** means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

**Building Setback:** means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

**Caravan:** means a vehicle as defined under the Road Traffic Act 1974 (as amended) maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.

**Caravan Park:** means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose and includes incidental uses of the land including ablution blocks, recreation areas, office and kiosk.

**Caretaker's Dwelling:** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

**Car Park:** means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

**Cattery:** means the use of land or buildings for the purpose of keeping more than three (3) cats over the age of three (3) months.

**Child Day Care Centre:** means land and buildings used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988 (as amended).

**Child Family Care Centre:** means the conduct within a private dwelling of the daily or occasional care of children in accordance with Community Services (Child Care) Regulations 1988.

**Civic Building:** means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

**Civic Use:** means land and buildings used by a Government Department, and instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

**Club Premises:** means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Licensing Act 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

**Commercial Vehicle:** means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of up to 1.5 tonnes.

**Commission:** means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).

**Consulting Rooms:** means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.

**Contractor's Yard:** means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.

**Conservation:** means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will—

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place

or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

**Convenience Store:** means land and buildings used for the retail sale of convenience goods being those goods commonly sold in Supermarkets, Delicatessens and Newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a Convenience Store shall not exceed 300 m<sup>2</sup> gross leasable area.

**Corner Shop:** means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100m<sup>2</sup>, attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.

**Cultural Heritage Significance:** means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

**Curtilage:** in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.

**Development:** shall have the same meaning given to it in and for the purposes of the Act but shall also include—

“in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that—

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building”.

**Display Home Centre:** means a group of two or more dwellings which are intended to be open for public inspection.

**District:** means the Municipal District of the Shire of Capel.

**Dog Kennels:** means land and buildings used for the boarding and/or breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

**Dry Cleaning Premises:** means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

**Dwelling:** means a building or portion of a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such building but auxiliary thereto; such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—

- (a) a single person;
- (b) a family; or
- (c) no more than six (6) persons who do not comprise a single family.

**Educational Establishment:** means a school, college, university, technical institute, academy or other educational centre, and includes accommodation for students, but does not include a reformatory or institutional home.

**Effective Frontage:** means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows—

- (a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- (b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed; or
- (c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

**Employee Dwelling:** means a building used as a dwelling by a person or persons whose primary employment is the maintenance or management of the operation of the rural pursuit occurring on the land upon which their accommodation is situated.

**Equestrian Centre:** means land and buildings used for the stabling and exercise of horses and includes facilities for events of a competitive nature.

**Factory Unit Building:** means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

**Farm Supply Centre:** means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

**Fish Shop:** means a building where wet fish and similar foods are displayed and offered for sale.

**Floor Area:** shall have same meaning given to it and for the purposes of the Building Code of Australia 1988 (as amended).



**Frontage:** means boundary line or lines between a site and the street or streets upon which the site abuts.

**Fuel Depot:** means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

**Funeral Parlour:** means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

**Garden Centre:** means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings and may include the propagation of plants offered for sale.

**Gazettal Date:** means the date of which notice of the Minister's approval on this Scheme is published in the Government Gazette.

**Grouped Dwelling:** means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise.

**Gross Floor Area:** shall have the same meaning as Floor Area in the Building Code of Australia.

**Gross Leasable Area:** means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

**Guest House:** means a residential building for which the primary purpose is short-stay tourist accommodation.

**Health Studio:** means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

**Heritage Precinct:** means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

**Heritage List:** means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Heritage List.

**Holiday Accommodation:** means land and buildings constructed and used for the accommodation of holiday makers and organisations generally in accordance with the Local Government Model By-laws (Holiday Accommodation) No. 18, and may include, with the approval of Council, uses incidental to the normal function of a holiday accommodation facility.

**Home Occupation:** means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant in accordance with the standards set out in clause 7.5 of the Scheme.

**Hospital:** means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

**Hospital Special Purposes:** means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

**Hotel:** means land and buildings providing accommodation for the public the subject of a Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended) and may include a betting agency operated in accordance with the Totalisator Agency Betting Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.

**Industry:** means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following—

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include—

- (i) the carrying out of agriculture;
- (ii) on-site work on buildings or land; and
- (iii) in the case of edible goods the preparation of good for retail sale from the premises.

**Industry Extractive:** means an industry which involves—

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials when the storage, treatment or manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto; or
- (b) the production of salt by the evaporation of sea water.

**Industry General:** means an industry other than an extractive, hazardous, light, noxious, rural or service industry.

**Industry Hazardous:** means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

**Industry Light:** means an industry—

- (a) in which the processes on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products, and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

**Industry Noxious:** means an industry in which it is the subject to licensing as “Prescribed Premises” under the Environment Protection Act 1986 (as amended).

**Industry Rural:** means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

**Industry Service:** means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (c) aquaculture.

**Intensive Agriculture:** means a horticultural use of rural land which serves to increase production from a given area and includes orchards, vegetable growing and viticultural.

**Land:** shall have the same meaning given to it in and for the purposes of, the Act.

**Liquor Store:** means a building the subject of a Store Licence granted under the provision of the Liquor Licensing Act 1988 (as amended).

**Lot:** shall have the same meaning given to it in and for the purposes of, the Act and ‘allotment’ has the same meaning.

**Low Profile:** means development that complies with the Country Coastal Planning Policy (Policy No. DC 6.1) whereby no building within 500 metres of the coast shall exceed 12 metres in height unless approved by the Western Australian Planning Commission.

**Lunch Bar:** means a building or part of a building used for the sale of take-away sandwiches and similar foodstuffs between the hours of 9.00am and 4.00pm within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a take-away food outlet.

**Marine Collector’s Yard:** means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act 1902 (as amended) and Marine Dealer’s Yard and Marine Store have the same meaning.

**Marine Filling Station:** means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

**Market:** means land and buildings used for a fair, a farmers’ or producers’ market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

**Medical Centre:** means a building (other than a hospital) used by more than two practitioners mentioned under the interpretation of Consulting Rooms and may also provide accommodation for ancillary services such as chemists, pathologists and radiologists.

**Milk Depot:** means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

**Motel:** means land and buildings used or intended to be used to accommodate patrons in a manner similar to a Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the Liquor Licensing Act 1988 has been granted.

**Motor Vehicle & Marine Sales Premises:** means land or buildings used for the display and sale of new or second-hand motor cycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.

**Motor Vehicle Hire:** means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

**Motor Vehicle Repair:** means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.



**Motor Vehicle Wrecking:** means land and buildings used for storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

**Museum:** means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.

**Non-conforming Use:** means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

**Office:** means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

**Open Air Display:** means the use of land as a site for the open air display and/or sale of goods and equipment.

**Outbuilding:** means a non-habitable building used in conjunction with a dwelling house and includes a carport, private garage, shed, private workshop or the like, but does not include farm sheds.

**Owner:** in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity—

- (a) is entitled to the land for an estate in fee simple in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land;
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

**Park Home:** means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974 (as amended), but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.

**Petrol Filling Station:** means any land or buildings used for the supply of petroleum products and motor vehicle accessories.

**Piggery:** shall have the same meaning given to it in and for the purposes of the Health Act 1911-1979 (as amended).

**Place:** means an area of land sufficiently identified by survey, description or other wise as to be readily ascertainable, and includes—

- (a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

**Plant Nursery:** means land and buildings used for the propagation and rearing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens and plantations and where such produce is disposed of by wholesale only.

**Plot Ratio:** shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.

**Potable Water:** means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water'—published by the World Health Organisation—1971.

**Poultry Farm:** means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production and for purposes of trade, commercial reward or gain and such use may or may not constitute an offensive trade within the meaning of the Health Act 1911—1990 (as amended).

**Private Hotel:** means land and buildings used for the residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

**Public Amusement:** means land and buildings used for the amusement or entertainment of the public, with or without charge.

**Public Authority:** shall have the same meaning given to it in and for the purposes of the Act.

**Public Mall:** mean any public street or right-of-way designed especially for pedestrians who shall have the right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.

**Public Utility:** means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

**Public Worship—Place Of:** means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

**Rabbitry:** means any building, enclosure or yard in which two hundred (200) or more rabbits are kept, reared, bred or fattened for the production of meat, fur or wool for purposes of trade, commercial reward or gain.

**Radio & T.V. Installation:** means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

**Reception Centre:** means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

**Recreation Private:** means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

**Recreation Public:** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

**Residential Building:** means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation;

- (a) temporarily by two or more persons, or
- (b) permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, a residential school, bed and breakfast, accommodation or guest house.

**Residential Planning Codes:** means the Residential Planning Codes, set out in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.

**Restaurant:** means a building wherein food is prepared for sale and consumption on the premises or an adjacent outdoor eating area and the expression shall include a licensed restaurant.

**Restoration:** means any work or process on, at, or in respect of, a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

**Restricted Premises:** means any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

**Rural Pursuit:** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—

- (a) extensive dry land agriculture for crop production;
- (b) dry land production and pasturing of livestock;
- (c) production and pasturing of livestock on irrigated lands;
- (d) plantation growing of trees;
- (e) the sale of produce grown solely on the lot provided that if a roadside stall is used it is approved by Council and the Main Roads Department, where appropriate; and
- (f) the stabling, agistment or training of horses;

but does not include the following except as approved by the Council—

- (i) the keeping of pigs;
- (ii) poultry farming;
- (iii) the processing, treatment or packing of produce;
- (iv) the breeding, rearing or boarding of domestic pets.

**Salvage Yard:** means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) building, machinery, vehicles and boats.

**Sawmill:** means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.

**Second-hand Dwelling:** means any building or structure or part thereof used or intended to be used for human habitation and which does not consist of substantially all new material and may be transported or moved to a site for the purpose of re-erection.

**Service Station:** means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use, but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

**Shop:** means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

**Showroom:** means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.

**Stable:** means any land, building or structure used for the housing, training, keeping and feeding of horses, asses and mules and associated incidental activities.

**Stock Feedlot:** means any building, enclosure, yard or paddock in which livestock are kept for reasons associated with the rearing, breeding or fattening of the stock, for purposes of trade, commercial reward or gain at a stock rate in excess of that common for Rural Pursuits operating in the locality.

**Structure Plan:** means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such future subdivision and development.

**Take-A-Way Food Outlet:** means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

**Tavern:** means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

**Trade Display:** means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

**Transport Depot:** means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

**Transportable Home:** means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

**Veterinary Clinic:** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.

**Veterinary Hospital:** means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.

**Viticulture:** means land or buildings normally associated with the growing of grapes.

**Warehouse:** means a building wherein goods are stored and may be offered for sale by wholesale.

**Waste Disposal:** means the use of land for the purpose of storage or the disposal of domestic or industrial rubbish, refuse or waste whether liquid or solid.

**Wayside Stall:** means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the building is located.

**Wholesale:** means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1, 1930 (as amended).

**Winery:** means land and buildings used in the processing of grapes to produce wine and includes the sale of wine produced on the premises directly to the public.

**Zone:** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include reserved land.

**Zoological Gardens:** means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

Appendix 2  
ZONING TABLE (CLAUSE 3.2)

USE CLASS	RESIDENTIAL	RURAL	SPECIAL RURAL	TOWN CENTRE	LIGHT INDUSTRY	FORESHORE PROTECTION	SPECIAL USES
Abattoir	X	SA	X	X	X	AS SPECIFIED IN CLAUSE 5.9	AS SPECIFIED IN APPENDIX 4
Aged Persons Village	AA	X	X	X	X		
Amusement Parlour	X	X	X	AA	X		
Ancillary Accommodation	AA	AA	AA	X	X		
Art & Craft Studio & Sales	X	AA	SA	AA	P		
Bed & Breakfast Accommodation	SA	AA	SA	AA	X		
Builder's Storage Yard	X	X	X	X	P		
Caravan Park	X	AA	X	X	X		
Caretaker's Dwelling	X	X	X	IP	IP		

USE CLASS	RESIDENTIAL	RURAL	SPECIAL RURAL	TOWN CENTRE	LIGHT INDUSTRY	FORESHORE PROTECTION	SPECIAL USES
Cattery	X	AA	X	X	X		
Car Park	IP	IP	IP	IP	IP		
Child Day Care Centre	SA	SA	SA	P	X		
Child Family Care Centre	AA	AA	AA	X	X		
Civic Building	AA	AA	AA	P	X		
Club Premises	X	SA	X	P	AA		
Consulting Rooms	SA	X	SA	P	AA		
Contractor's Yard	X	X	X	X	P		
Corner Shop	SA	X	X	P	X		
Dog Kennels	X	SA	X	X	SA		
Dry Cleaning Premises	X	X	X	AA	AA		
Educational Establishment	AA	AA	AA	AA	AA		
Employee Dwelling	X	IP	X	X	X		
Farm Supply Centre	X	X	X	AA	P		
Fish Shop	X	X	X	P	AA		
Fuel Depot	X	X	X	X	P		
Funeral Parlour	X	X	X	P	AA		
Garden Centre	X	AA	X	AA	P		
Grouped Dwelling	AA	X	X	X	X		
Guest House	SA	AA	X	P	X		
Holiday Accommodation	X	SA	X	AA	X		
Home Occupation	AA	AA	AA	X	X		
Hospital	SA	SA	SA	AA	X		
Hotel	X	X	X	AA	X		
Industry—Extractive	X	AA	X	X	X		
Industry—General	X	X	X	X	X		
Industry—Noxious or Hazardous	X	X	X	X	X		
Industry—Light	X	X	X	X	P		
Industry—Rural	X	AA	X	X	P		
Industry—Service	X	X	X	AA	P		
Intensive Agriculture	X	P*	AA	X	X		
Lunch Bar	X	X	X	P	AA		
Medical Centre	SA	X	X	P	X		
Milk Depot	X	AA	X	AA	AA		
Motel	X	X	X	P	X		
Motor Vehicle & Marine Sales—Premises	X	X	X	AA	AA		
Motor Vehicle Repair	X	X	X	AA	P		
Motor Vehicle Wrecking	X	X	X	X	AA		
Office	X	X	X	P	IP		
Open Air Display	X	X	X	AA	P		
Petrol Filling Station	X	X	X	AA	AA		
Piggery	X	AA	X	X	X		
Plant Nursery (No retail)	X	AA	SA	AA	AA		
Poultry Farm	X	AA	X	X	X		

AS SPECIFIED IN CLAUSE 5.9

AS SPECIFIED IN APPENDIX 4

\*REFER TO CLAUSE 5.7.4

USE CLASS	RESIDENTIAL	RURAL	SPECIAL RURAL	TOWN CENTRE	LIGHT INDUSTRY	FORESHORE PROTECTION	SPECIAL USES
Private Hotel	X	X	X	P	X	AS SPECIFIED IN CLAUSE 5.9	AS SPECIFIED IN APPENDIX 4
Public Amusement	X	X	X	P	AA		
Public Utility	AA	AA	AA	AA	AA		
Public Worship	AA	AA	AA	P	AA		
Rabbitry	X	AA	X	X	X		
Radio/T.V. Installation	X	AA	X	AA	AA		
Recreation Public	SA	SA	SA	X	AA		
Recreation Private	SA	SA	SA	X	AA		
Residential Building	AA	AA	AA	X	X		
Restaurant	X	IP	X	P	X		
Restricted Premises	X	X	X	SA	X		
Roads/Rights of Way	P	P*	P	P	P		
Rural Pursuit	X	P*	AA	X	X		
Salvage Yard	X	X	X	X	AA		
Sawmill	X	AA	X	X	AA		
Second Hand Dwelling	X	AA	X	X	X		
Service Station	X	X	X	P	AA		
Shop	X	X	X	P	X		
Showroom	X	X	X	P	IP		
Single Dwelling	P	P	P	X	AA		
Stables	X	P*	AA	X	X		
Stock Feedlot	X	AA	X	X	X		
Take-A-Way Food Outlet	X	X	X	P	X		
Tavern	X	X	X	AA	X		
Trade Display	X	X	X	AA	IP		
Transport Depot	X	X	X	X	P		
Veterinary Clinic	X	AA	SA	AA	AA		
Veterinary Hospital	X	AA	SA	AA	AA		
Warehouse	X	X	X	AA	P		
Waste Disposal	X	AA	X	X	X		
Wayside Stall	X	AA	SA	X	X		
Winery—incl. sales to public	X	AA	X	X	X		

\*REFER TO CLAUSE 5.7.4

APPENDIX 3  
ADDITIONAL USE (CLAUSE 3.3)

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Lot 1, Wellington Location 3838, Goodwood Road	Lime Kiln & Associated Uses	As determined by Council
Lot 54, Bussell Highway, Stratham	Professional Consultant Office, public admission to private recreation facilities, shop with a maximum floor area of 25m <sup>2</sup> (for the sale of produce grown on the lots, aquaculture equipment, arts & crafts & packaged snack foods), aquaculture & educational activities associated with aquaculture, bed & breakfast, ecology & conservation	As determined by Council

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Pt Boyanup AA Lot 217, Gavins Road, Boyanup	Organic Byproducts Processing Plant	(ii) Any person conducting the additional use permitted in this Appendix shall maintain and comply at all times a current licence to operate the use from the Environmental Protection Authority.  (iii) In giving consideration to granting its written approval pursuant to Clause 3.4 of the Scheme, Council may require a person to enter into a Deed of Covenant to secure compliance with any conditions of its approval and may prescribe therein suitable remedies or bonds in regard to such compliance. Where Council requires a person to enter into a Deed of Covenant as a condition of its written approval, that person shall not commence the development until a Deed is executed.
Lot 43, Maynard Parade, Gelorup	Professional Offices	Development of the lot shall generally be in accordance with a Development Guide plan to be submitted at the Development Application stage. The Guide Plan to be adopted by Council and endorsed by the Chief Executive Officer shall have due regard to the following— 1. All buildings shall be contained within a building envelope of an area of 1000m <sup>2</sup> ; 2. The building envelope shall have minimum setbacks of 15m front and rear and 6m from the side boundaries; 3. Protection of existing trees; 4. Access being limited to one point which is sited to give due regard to the intersection of Meadow View Road and Maynard Parade; 5. All other development standards/requirements as determined by Council.
Portion of Lot 4, of Wellington Location 183 Peppermint Grove Beach	Historic village, museum, restoration workshop, kiosk, observation lookout, reception, cafe, craft manufacture and sales, wildlife refuge, holiday accommodation (maximum—5 units)	Prior to commencing development, the proponent must submit a Development Guide Plan for adoption by Council and thereafter development of the land shall be in accordance with the plan unless a modified plan is submitted to and adopted by Council.
Lot 74, Pt Lot 73, Lot 2 and Lot 72 Weld Road	Low key rural pursuits as approved by Council.	As determined by Council

APPENDIX 4  
SPECIAL USE ZONE (CLAUSE 3.4)

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Lot 9, Cnr Bridge & Thomas St, Boyanup	Church, Hall & Assoc. Uses	
Lots 1, 2, & 20 Bridge St, Boyanup	Hotel	



LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Lot 18, Bridge St Boyanup	Butcher Shop	
Lot 50, Scott Rd, Capel	Church, Hall & Assoc. Uses	
Sub Lot 21, Cnr Capel Drive & West Rd, Capel	Church, Hall & Assoc. Uses	
Lot 48, Scott Rd, Capel	Church, Hall & Assoc. Uses	
Pt Sub Lot 50, Capel Dr, Capel	Plant Nursery, Tourist Information Office	Development to be generally in accordance with an adopted Development Plan. Council may approve minor variations. No retail sales permitted from the nursery.
Lot 1, Sub Lot 49, Capel Dr, Capel	Car Park	
Pt Sub Lot 49, Capel Dr, Capel	Motel, Restaurant, Craft Shop, Reception Centre	
Portion of Lot 43, Peppermint Grove Road, Peppermint Grove Beach	Resort Hotel, Holiday Accommodation, Shops & Associated Uses	Prior to commencing development the proponent must submit a Development Guide Plan for adoption by Council and thereafter development of the land shall be in accordance with the plan unless a modified plan is submitted to and adopted by Council.
Lot 30, Cnr Loretta Ave & Bussell Highway, Gelorup	Service Station, Shop	
Pt Lot 16 being Portion of Boyanup AA Lot 247, Bussell Highway	Service Station, Shop	
Lots 56, 61 and 64, Gavins Road and Lots 55, 60 and 182, Jenkin Road, Capel	Mineral Sands Processing, Offices and ancillary uses	
Lot 44, Coachwood Way & Lot 28, Jules Rd, Gelorup	Wholesale/Retail Plant Nursery, Dwelling House	<ol style="list-style-type: none"> <li>1. No additional buildings or shadehouse structures associated with the nursery activity shall be permitted by Council.</li> <li>2. Bulk materials utilised within the nursery to be located within constructed storage bin areas to Council satisfaction.</li> <li>3. No modification to site access or internal traffic circulation shall be undertaken without the written approval of Council.</li> <li>4. Application shall be made for Council's written approval of all advertising signs and if approved they shall be erected maintained to Council's satisfaction.</li> <li>5. All parking to be on-site with suitable directional signs located to Council's satisfaction.</li> <li>6. All commercial lighting to be positioned to minimise impact on adjoining properties to Council's satisfaction.</li> <li>7. Underground and surface water quality affected by the Nursery operations and underground water quantity used by the Nursery to conform to standards set by the Water Authority of Western Australia.</li> </ol>
Lot 70, Bussell Highway, Gelorup	Educational Establishment.	

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Lot 5, Buchanan Road, Capel	Licensed Post Office, Residential & Retail.	
Stirling Estate Lot 105, Peppermint Grove Road, Peppermint Grove	<ul style="list-style-type: none"> <li>- Caravan Park,</li> <li>- Chalets,</li> <li>- Manager's Residence,</li> <li>- Overnight Units,</li> <li>- Shop,</li> <li>- Uses reasonably incidental to those listed above,</li> <li>- Rural Use</li> </ul>	<ol style="list-style-type: none"> <li>1. Development is to be generally in accordance with Development Plan No. A1B endorsed by Council and dated 30.07.93.</li> <li>2. The proponent is to establish to the satisfaction of Council and the Water Authority of Western Australia that the fill levels proposed will provide adequate flood protection and that stormwater can be adequately contained on-site.</li> <li>3. The effluent disposal system for the proposed development is to be designed, constructed and maintained to the specification and satisfaction of Council, the Environmental Protection Authority and the Health Department of Western Australia.</li> <li>4. The Development of the project site for permitted uses other than Rural Use being limited to 35% of the site area.</li> <li>5. The effluent pond being located and constructed at the southern extremity of the lots and the existing pond being decommissioned to the satisfaction of the Water Authority of Western Australia, the Environmental Protection Authority and the Health Department of Western Australia.</li> </ol>
Lot 1 Harewood Road, Dalyellup	Educational Establishment.	
Lot 26, Bussell Highway, Stratham	<p>Convenience Service Centre wherein the permitted land uses are—</p> <ul style="list-style-type: none"> <li>* Retail</li> <li>* Restaurant/Cafe</li> <li>* Roadhouse incorporating fast food sales, delicatessen, postal agency, fuel sales &amp; caretaker accommodation</li> </ul> <p>Workshop for the mechanical repair &amp; maintenance of vehicles.</p> <ul style="list-style-type: none"> <li>* No uses of an Industrial nature are permitted on the land.</li> </ul> <p>Associated ancillary uses determined by Council to be complimentary to the objective of the zoning of the land which is to provide convenience services to the residents of the locality.</p> <ul style="list-style-type: none"> <li>* Community Purposes</li> </ul>	<ol style="list-style-type: none"> <li>1. Development to be generally in accordance with a Guide Plan adopted by Council.</li> <li>2. Retail, Restaurant/Cafe and Roadhouse uses restricted to maximum—gross leasable floor space of 344m<sup>2</sup></li> <li>3. Workshop restricted to maximum gross leasable floor space of 160m<sup>2</sup></li> <li>4. A screened outside storage area equal to 50% of the workshop floor space being provided adjacent thereto.</li> </ol>

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Lot 44, Maynard Parade, Gelorup	Veterinary Hospital & Associated Residence	<p>Development of the lot shall generally be in accordance with a Development Guide Plan to be submitted at the Development Application stage. The Guide Plan to be adopted by Council and endorsed by the Chief Executive Officer shall have due regard to the following—</p> <ol style="list-style-type: none"> <li>1. All buildings shall be contained within a building envelope which has a minimum setback of—               <ol style="list-style-type: none"> <li>(a) 10m from the southern and eastern boundaries;</li> <li>(b) 15m from the northern boundary;</li> <li>(c) 30m from the Bussell Highway Road Reserve.</li> </ol> </li> <li>2. The need to provide landscape buffers along the southern and eastern boundaries of the lot.</li> <li>3. Protection of existing trees.</li> <li>4. Access being limited to one point which is located giving due consideration to acceptable sight lines.</li> <li>5. All other development standards/ requirements as determined by Council.</li> </ol>
Portion of Lot 312 Dalyellup Road (corner of Minninup Road), Dalyellup	Caravan Park	<p>Development of the lot shall generally be in accordance with a Development Guide Plan to be submitted prior to a Development Application. The Guide Plan shall be adopted by Council and endorse by the Chief Executive Officer and shall have due regard to the following—</p> <ol style="list-style-type: none"> <li>1. All buildings, caravan and camping sites shall be contained within a building envelope which has a minimum setback of—               <ol style="list-style-type: none"> <li>(a) 10 metres from the northern and eastern boundaries;</li> <li>(b) 20 metres from the southern and western boundaries.</li> </ol> </li> <li>2. The need to provide a landscape buffer along the eastern boundary of the site.</li> <li>3. The need for an environmental buffer 20 metres in width along the southern boundary of the site.</li> <li>4. Protection of existing significant trees to be determined during preparation of the Development Guide Plan.</li> <li>5. Accesses being located with due consideration to acceptable sight lines.</li> <li>6. The need to maintain a high standard of design with the objective of protecting the visual amenity of the locality and the future urban character of Dalyellup.</li> <li>7. All other development standards/ requirements as determined by Council.</li> </ol>
Lot 12 Gelorup Rise, Gelorup	Residential—Dwelling House Residential Building— Retirement Complex consisting of— * Ten habitable rooms for residents * Three habitable rooms for staff	<ol style="list-style-type: none"> <li>1. Development of the land shall be in accordance with a development plan approved by Council, generally in keeping with the scale and character of development depicted by the site plan and Artistic Perspective forming part of this Amendment.</li> <li>2. The development shall be serviced by an alternative system of onsite effluent disposal to the satisfaction of Council, the Water Authority of Western Australia and the Health Department of Western Australia.</li> </ol>

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
<p>Lots 3, 4, 5, 37, portion of Lots 224, 232 &amp; Sub Lot 30 Roe Road and portion Lot 6 House Road, Capel</p>	<ul style="list-style-type: none"> <li>* A chapel for residents, staff and guests</li> <li>* Ancillary facilities/services associated with the retirement nature of the complex, as approved by Council</li> <li>* Associated car parking and landscaping.</li> </ul> <ol style="list-style-type: none"> <li>1. Development on the land shall generally be in accordance with the uses and proposed development nominated on the Indicative Development Guide Plan No. BY94-100 as adopted by Council and dated 31.05.96.</li> <li>2. While uses and development shall generally be in accordance with the Indicative Guide Development Plan, other uses and development related or ancillary to the predominant use of the site, may be approved at the discretion of Council.</li> </ol>	<ol style="list-style-type: none"> <li>3. Details relating to a proposed potable water supply and onsite effluent disposal shall be provided, to the satisfaction of Council, at the time of applying for Council's planning consent to commence development.</li> <li>4. In order to conserve existing vegetation and the amenity of the locality all trees shall be retained unless their removal is authorised by Council.</li> </ol> <ol style="list-style-type: none"> <li>1. The Indicative Guide Development Plan identifies the principle landuse proposed. All proposed development is to be the subject of development applications to Council.</li> <li>2. Prior to Council issuing Planning Consent, the applicant will be required to demonstrate that the following have been taken into consideration— <ul style="list-style-type: none"> <li>* Noise attenuation measures;</li> <li>* Visual and amenity buffers to the perimeter of the site in recognition of the abutting residential landuse.</li> </ul> </li> <li>3. Prior to any new development taking place on the land, amalgamation of lots shall take place on each side of Roe Road.</li> </ol>
<p>Lots 1 to 6; Lot 7 of Wellington Location 4130, Wellington Locations 840, 3345 and 4453; and Ptn of Wellington Location 557</p>	<ol style="list-style-type: none"> <li>1. The following uses are permitted 'P'— <ul style="list-style-type: none"> <li>Development and land use in accordance with the approved development plan (SR-G20-G-110) dated 28 April 1995. The development plan may be subject to modification with the consent of Council;</li> <li>• Processing of Mineral Sands and associated activities;</li> <li>• Roads, Rights of Way</li> <li>• Rural Use; and</li> <li>• Rural Shed</li> </ul> </li> <li>2. The following uses may be permitted with the consent of Council 'AA'— <ul style="list-style-type: none"> <li>• Uses determined by Council to be both complimentary and incidental to the processing of mineral sands;</li> <li>• Stables;</li> <li>• Industry—extractive</li> <li>• Industry-Rural; and</li> <li>• Public Utility</li> </ul> </li> <li>3. All other uses are not permitted 'X'.</li> </ol>	<p>As determined by Council.</p>

APPENDIX 5  
DEVELOPMENT TABLE—GENERAL (CLAUSE 5.2)

Land Use	Min.Lot Area (m <sup>2</sup> )	Min. Effective Frontage (m)	Site Coverage (%)	Plot Ratio	Boundary Setbacks			Landscaping % of site
					Front (m)	Rear (m)	Side (m)	
Hotel	7500	80	25	0.5	15	15	10	25
Tavern	4000	50	25	0.5	15	10	10	25
Shop		5	75	0.5	10	5		10
Cafe/Restaurant		30	40	0.5	10	5		10
Motel	2000	40	35	0.5	10	10	5	25
Service Station	2000	40	35	0.35	10	5	5	10
Petrol Station	1500	10	75	0.35	10	5	5	10
Showrooms		25	75	0.5	15	5	*	10
Warehouse		25	50	0.5	15	5	*	7
Industry	1400	30	50	0.5	15	5	*	7
Factory Units	2000	30	50	0.5	15	5	*	7
Salvage Yard	2000	20	50	0.35	15	5	*	15
Veterinary Clinic	1000	30	50	0.35	15	5	5	20
Veterinary Hospital	3000		75	0.35	15	10	5	20
Offices			75	0.5	10	5		10
Consulting Rooms				0.5	10	5		10

\* 5m on one side and nil on the other provided that suitable fire rated materials are used in accordance with the Building Code of Australia.

DEVELOPMENT TABLE—OUTBUILDINGS (CLAUSE 5.2)

Zone	Max. Floor Area (m <sup>2</sup> ) Reflective Cladding	Max. Total Floor Area (m <sup>2</sup> ) Non-Reflective Cladding	Max. Wall Height (m)	Boundary Setbacks (m)			Other Requirements
				Front	Rear	Side	
Special Rural	100	200 *	5	20	20	20	Where a building envelope has been specified on a lot outbuildings shall be located therein
Residential R2, R2.5, R5	75	150	4.5	As for a Dwelling			Where a building envelope has been specified on a lot outbuildings shall be located therein
Residential R10, R12.5, R15	45	80	3.5	As for a Dwelling	As for Dwelling side setback		Where a parapet wall is proposed written agreement from adjoining owner is required

Where Council determines that the reflective nature of any cladding will not adversely affect the visual amenity of a locality due to the topography of a lot or the density of natural vegetation it may relax the requirement for non-reflective cladding to be used where maximum floor area of an outbuilding exceeds 100m<sup>2</sup>.

APPENDIX 6  
SPECIAL RURAL ZONE AREAS—SPECIFIC PROVISIONS (CLAUSE 5.6.2)

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
Area No. 1—Stratham as depicted on the Scheme Map	<ul style="list-style-type: none"> <li>(a) The intent of Special Rural Zone Area No. 1 is to create lots on which rural residential and low intensity rural activities can occur. The area has moderate fertility and could sustain some intensive farming activities;</li> <li>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size for lots fronting Bussell Highway should be 4 hectares with a maximum frontage of 200 metres. Minimum lot size for the balance of the area is 2 hectares;</li> <li>(c) Minimum setback for all buildings from the Bussell Highway road reserve is 80 metres; and</li> <li>(d) Subdivision shall be generally in accordance with subdivision guide plan No. 1.</li> </ul>
Area No. 2—Gelorup as depicted on the Scheme Map	<ul style="list-style-type: none"> <li>(a) The intent of Special Rural Zone Area No. 2 is to create lots on which rural residential activities can occur;</li> <li>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size for the area should be 2 hectares;</li> <li>(c) The minimum setback for all buildings from Bussell Highway is 80 metres;</li> <li>(d) Subdivision shall be generally in accordance with subdivision plans No. 2, and No. 2(a) and as modified by subdivision Plan No. 2(b);</li> <li>(e) No person shall clear any natural vegetation or allow any livestock within the vegetation buffer strip delineated on the Subdivision Guide Plan and where Council deems it necessary, the vegetation buffer strip shall be replanted with local species to the satisfaction of the Council.</li> <li>(f) If, in the opinion of the Council, the grazing of livestock is causing the erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock there from.</li> <li>(g) In approving a Rural Use on any lot Council shall have regard to the “intensity” of the proposed use and shall limit such uses to those involving minimal clearing and nutrient and water application;</li> <li>(h) The minimum vertical clearance between the underside of any leach drain and the highest known water table on any lot shall be 2.0 metres;</li> <li>(i) No installation for the disposal of waste water or effluent shall be located closer than 100 metres to the centre line of the definable water course of the creek except that for Lot 70 (as depicted on the Subdivision Guide Plan No. 2(a)) this distance may be reduced to 60 metres;</li> <li>(j) Council shall require the developer/subdivider to notify intending purchasers of the provisions for controlling subdivision, land uses and development relating to Special Rural Area No. 2 and those more generally in Clause 5.6.3;</li> <li>(k) Council shall recommend to the Western Australian Planning Commission that subdivision proposals should have regard to the following requirements— <ul style="list-style-type: none"> <li>(i) Protection and preservation of existing natural vegetation.</li> <li>(ii) No new access being created onto Bussell Highway.</li> <li>(iii) Creation of lots that have a useable building area having given regard to minimum setbacks and overall amenity.</li> <li>(iv) Integration with surrounding lots.</li> </ul> </li> <li>(l) Council shall request the Western Australian Planning Commission to require a subdividing owner of land adjoining Bussell Highway to— <ul style="list-style-type: none"> <li>(i) Undertake supplementary landscaping at their cost, in the area depicted on the adopted Plan of Subdivision to the specification and satisfaction of the Local Authority. The revegetation is to consist of trees and shrubs native to the area and capable of growing to at least 5 metres in height.</li> </ul> </li> </ul>

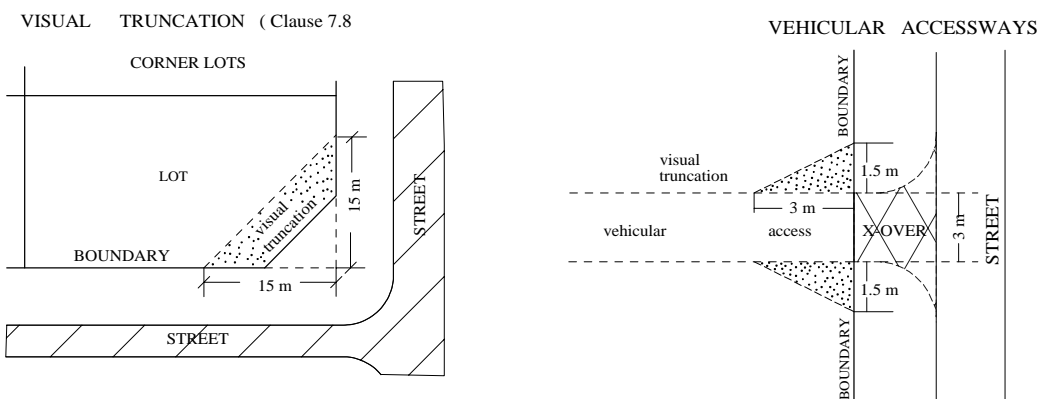


SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
	<p>(ii) Cede to the Crown, free of cost, a 0.1 metre Pedestrian Accessway along the existing Bussell Highway frontage (where already not ceded) and also in respect to any future Highway frontage, as shown on the adopted Plan of Subdivision.</p> <p>(iii) Close all existing access to Bussell Highway by the removal of the crossover surface and erection of fencing across the accessway, at the subdivider's cost and to the satisfaction of the Local Authority.</p>
Area No. 3—Lillydale Road as depicted on the Scheme Map	<p>(a) The intent of Special Rural Zone Area No. 3 is to create lots for hobby farms, small lot intensive farming and rural residential areas;</p> <p>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size for the balance of the area is 2 hectares;</p> <p>(c) Minimum setback for all buildings for the North Boyanup Road is 100 metres; and</p> <p>(d) Subdivision shall be generally in accordance with subdivision guide plan No. 3.</p>
Area No. 4—Hayclif Avenue as depicted on the Scheme Map	<p>(a) The intent of Special Rural Zone Area No. 4 is to create an area to be primarily used for the breeding and training of trotting horses and other equestrian activities;</p> <p>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size is 2 hectares;</p> <p>(c) Subdivision should be generally in accordance with subdivision guide plan No. 1/82 endorsed by the Shire Clerk</p> <p>(d) The following uses are not permitted unless Council gives its approval in writing—</p> <ul style="list-style-type: none"> <li>- Farrier,</li> <li>- Feed Store;</li> </ul> <p>(e) Each landowner shall maintain his lot in such a manner that it does not become laid bare of vegetation or is in danger of becoming laid bare of vegetation.</p> <p>The Council may direct a landowner to take immediate remedial action if in its opinion a lot is in danger of being laid bare of vegetation or has been laid bare of vegetation. A landowner who fails to take remedial action as directed by Council commits an offence under this Scheme; and</p> <p>(f) Vertical separation of sewerage disposal systems and the water table shall be 1.5 metres (measured from the bottom of the leach drain trench to the highest recorded level of the water table). Horizontal separation of disposal systems and production bores shall be 100 metres.</p>
Area No. 5—Boyanup Townsite as depicted on the Scheme Map	<p>(a) The intent of Special Rural Zone Area No. 5 is to create lots for hobby farms and rural-residential retreats;</p> <p>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size should be 2 hectares where no public reticulated water supply is available. The minimum lot size should be 1 hectare where the lot can be provided with a connection to a public reticulated water supply at the subdividers expense;</p> <p>(c) Subdivision should be generally in accordance with the subdivision guide plans A and B for Area No. 5 and Subdivision Guide and Development Plan BY94-04-10 date February, 1996;</p> <p>(d) No trees or substantial vegetation shall be felled or removed from the site except where—</p> <ul style="list-style-type: none"> <li>- required for approved development works;</li> <li>- the establishment of a firebreak as required by regulation or bylaw;</li> <li>- trees are dead diseased or dangerous.</li> </ul> <p>(e) All building, structures and effluent disposal systems shall be contained within the 'Building Envelope' defined on the Subdivision and Deyelopment Guide Plan and not having an area greater than 2000m<sup>2</sup> and being setback a minimum of 20 metres from boundaries;</p>

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
	<p>(f) Council will request as a condition of subdivision that the subdivider be required to provide a geo-technical report for all building envelopes adjacent to previous mining operations in order to confirm that the land is suitable for development;</p> <p>(g) Where boundary fencing is to be constructed it is to consist of post and wire. Asbestos, metal sheeting or wooden pickets or similar will not be permitted;</p> <p>(h) Fencing not in accordance with Provision (g) may be built within the building envelope for the purpose of attaining privacy. Such fencing shall be subject to and approved by Council as part of a building licence application. When considering fencing proposed under this provision council shall consider the visual impact of the fencing on the amenity and character of adjoining lots and the estate in general;</p> <p>(i) The minimum vertical clearance between the underside of any leach drain and the highest known water table shall be 2.0 metres and shall not be constructed within 100 metres of any water course.</p>
<p>Area No. 6—Killerby Vineyard &amp; Winery as depicted on the Scheme Map being the whole of Lot 3 of Wellington Location 41, Minninup Road</p>	<p>(a) The general intent of Special Rural Zone Area No. 6 is to facilitate subdivision and strata titling to permit development of a co-operative agricultural project.</p> <p>(b) Subdivision—Council shall recommend to the Western Australian Planning Commission that the following should apply—</p> <p>(1) Subdivision shall be generally in accordance to this amendment and endorsed by the Shire Clerk. No further subdivision should be permitted. For the purpose of this Special Rural Zone the lots created shall be referred to as the ‘Winery Lot’ and the ‘Vineyard Lot’.</p> <p>(2) As a condition of subdivision suitable arrangements should be made with Council to ensure reciprocal rights of access are created over the access routes indicated on the Proposed Subdivision and Strata Titling Plan.</p> <p>(3) As a condition of subdivision Minninup Road should be sealed from its present extent northward over the bridge crossing the Five Mile Brook drain reserve to the northern side of the access to the Winery Lot.</p> <p>(c) Winery Lot—</p> <p>(1) The specific intent of the creation of the winery lot is to permit the continued making of wine, ancillary uses and a range of uses directed toward the tourist side of the wine industry.</p> <p>(2) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> <li>- Winery;</li> <li>- One Dwelling House;</li> <li>- One Manager’s House;</li> <li>- Sale of Wine and Agricultural Produce; and</li> <li>- Tasting of Wine.</li> </ul> <p>(3) The following uses are permitted subject to Council Approval (AA)—</p> <ul style="list-style-type: none"> <li>- Licensed Restaurant;</li> <li>- Chalets/Guesthouse; (Maximum of 7 units) and</li> <li>- Caretakers House and accommodation for full-time staff.</li> </ul> <p>(4) The following use is permitted if carried on as incidental to the predominant use of the lot (IP)—</p> <ul style="list-style-type: none"> <li>- Grazing of Livestock.</li> </ul> <p>(5) All other uses not mentioned are not permitted(X).</p> <p>(6) The Strata Titling of the Winery Lot is not permitted.</p> <p>(7) Occupancy of the Chalet/Guesthouse accommodation by an individual is restricted to three months within any twelve month period.</p>

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
	<p>(d) Vineyard Lot—</p> <ol style="list-style-type: none"> <li>(1) The specific intent of the creation of the Vineyard Lot is to permit the land to be strata titled and used for a co-operative agricultural enterprise.</li> <li>(2) Strata titling of the lot shall be generally in accordance with a guide plan adopted by Council and endorsed by the Shire Clerk. No further strata titling will be permitted.</li> <li>(3) At the time the Strata Plan is lodged it shall contain an endorsement of restricted uses as detailed in this amendment and specific reference shall be made to Dwelling House as a use which is not permitted.</li> <li>(4) The following uses are permitted (P)—             <ul style="list-style-type: none"> <li>- Viticulture; and</li> <li>- Uses reasonably ancillary to the above.</li> </ul> </li> <li>(5) The following use is permitted if carried on as incidental to the predominant use on the lot (IP)—             <ul style="list-style-type: none"> <li>- Grazing of Livestock.</li> </ul> </li> <li>(6) All other uses including a Dwelling House are expressly not permitted (X).</li> <li>(7) Viticulture and the grazing of livestock on the lot shall be undertaken in a co-ordinated manner and the strata company shall be required to nominate a Manager to ensure that this occurs.</li> </ol>

APPENDIX 7



APPENDIX 8

CAR PARKING REQUIREMENTS (CLAUSE 7.9)

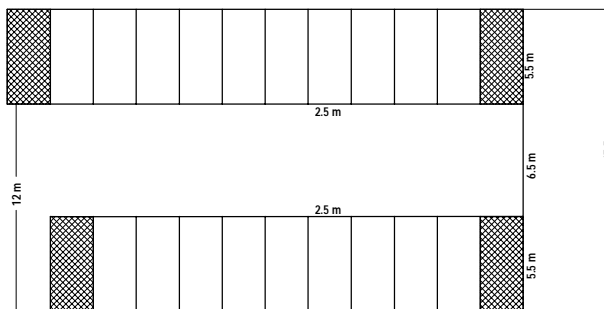
USE	NO. OF PARKING SPACES
Shop	1 for every 20m <sup>2</sup> gross leasable area
Office	1 for every 20m <sup>2</sup> gross leasable area
Hotel, motel, tavern, club, private hotel, lodging house, cafe/restaurant, night club, place of public assembly	<p>Where applicable to the particular use—</p> <p>1 for every 3m<sup>2</sup> of public drinking area other than lounge floor area</p> <p>1 for every 4 seats which an eating area is designed to provide</p> <p>OR</p> <p>1 for every 4m<sup>2</sup> of eating area or part thereof which ever produces the greater number of car parking spaces</p> <p>1 for every bedroom</p> <p>1 for every 6 seats provided or capable of being provided in assembly area</p> <p>OR</p> <p>1 for every 4.5m<sup>2</sup> of assembly area whichever produces the greatest number of car parking spaces</p> <p>1 for every 3m<sup>2</sup> of public lounge drinking area</p> <p>In addition to any of the above, Council may require parking space dedicated specifically for staff.</p>

USE	NO. OF PARKING SPACES
Place of worship	1 for every 5 seats in main auditorium
Hospital	1 for every 3 bed spaces provided
Health centre, clinic, consulting rooms	5 for every practitioner
Consulting room attached to a dwelling	4 for every practitioner and 2 for the dwelling
Funeral parlour	Not less than 6 car parking spaces
Motor repair station, service station	1 for each lubrication and maintenance bay plus 1 for each person working on the site
Open air display	1 for every 200m <sup>2</sup> of display area/or sales area
Squash court	3 for every court
Showrooms	1 for every 40m <sup>2</sup> of gross leasable area
Warehouse (not open to the general public)	1 for every 100m <sup>2</sup> of gross leasable area
Light industry	1 for every 50m <sup>2</sup> of gross leasable area
Veterinary clinic/hospital	6 for 1 practitioner, and 10 for 2 practitioners

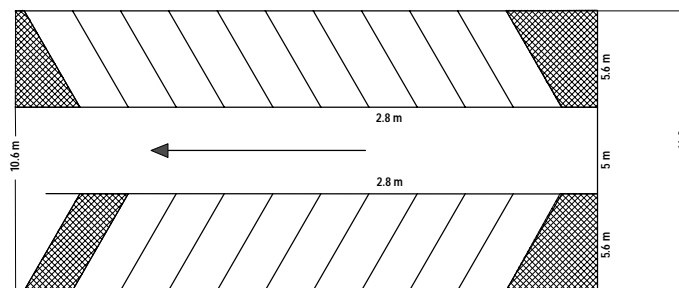
APPENDIX 9

CAR PARKING LAYOUT SPECIFICATIONS (Clause 7.9.3)

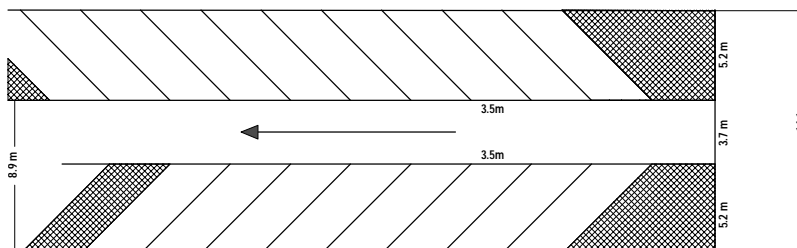
90° PARKING



60° PARKING



45° PARKING



APPENDIX 10

Control of Advertisements

Additional Information Sheet for Advertisement Approval

(to be completed in Addition for Approval to Commence Development Form 1) (Clause 7.12.1)

Name of Advertiser (if different from owner)—

.....

Address in Full: .....

Description of Property upon which advertisement is to be displayed including full details of its proposed position within that property—

.....  
.....  
.....  
.....

Details of Proposed Sign—

Height: ..... Width: ..... Depth: .....

Colours to be used: .....

Height above ground level (to top of Advertisement) .....

(to Underside): .....

Materials to be used: .....

Illuminated: Yes/No

If Yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating, etc—

.....

If Yes, state intensity of light source: .....

State period of time for which advertisement is required—

.....

Details of signs, if any, to be removed if this application is approved—

.....  
.....  
.....

Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.

Signature of Advertiser(s): .....  
(if different from land owners)

Date: .....

APPENDIX 11  
Exempted Advertisements Pursuant to Clause 7.12.4

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate	0.2 m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation	0.2 m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or activities of the institution concerned.	0.2 m <sup>2</sup>
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measures at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting By-laws	Not applicable
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or those signs are connected to a pole, wall or other building</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level</p>	<p>Total area of any such advertisements shall not exceed 15m<sup>2</sup></p> <p>Maximum permissible total area shall not exceed 10 m<sup>2</sup> and individual advertisement signs shall not exceed 6m<sup>2</sup></p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the function of government a public authority or Council excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council, and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein	N/A



Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station	No sign shall exceed 2m <sup>2</sup> in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purposes for which the building is used or the name and address of the managing agent	0.2 m <sup>2</sup>

Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows—		
(i) Dwellings	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work	2 m <sup>2</sup>
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects	One sign as for (i) above	5 m <sup>2</sup>
(iii) Large Development or redevelopment projects involving shopping centres, office or buildings exceeding 3 storeys in height	One sign as for (i) above	10 m <sup>2</sup>
	One additional sign showing the name of the project builder	5 m <sup>2</sup>
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose	2 m <sup>2</sup>
Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows—		
a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed	Each sign shall not exceed an area of 2m <sup>2</sup>
b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above	Each sign shall not exceed an area of 5m <sup>2</sup>
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha	One sign as for (a) above	Each sign shall not exceed an area of 10m <sup>2</sup>

Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Display Homes Advertisement signs displayed for the period over which homes are on	i) One sign for each dwelling on display ii) In addition to (i) above, one sign for display for public each group of dwellings displayed by a inspection single project builder giving details of the project building company and details of the range of dwellings on display	2m <sup>2</sup> 5 m <sup>2</sup>
Community Activity	One sign announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes	2m <sup>2</sup>

APPENDIX 12  
 SHIRE OF CAPEL  
 TOWN PLANNING SCHEME NO. 7  
 APPLICATION FOR PLANNING CONSENT (CLAUSE 8.1.1)

1. SURNAME OF APPLICANT ..... GIVEN NAMES .....

FULL ADDRESS .....

2. SURNAME OF LANDOWNER (if different from above) ..... GIVEN NAMES .....

3. SUBMITTED BY .....

4. ADDRESS FOR CORRESPONDENCE .....

5. LOCALITY OF DEVELOPMENT .....

6. TITLE DETAILS OF LAND .....

7. NAME OF ROAD SERVING PROPERTY .....

8. STATE TYPE OF DEVELOPMENT/LAND USE .....

NATURE AND SIZE OF ALL BUILDINGS PROPOSED .....

.....

GENERAL TREATMENT OF OPEN PORTIONS OF THE SITE .....

.....

DETAILS OF CAR PARKING AND LANDSCAPING PROPOSALS .....

.....

APPROXIMATE COST OF PROPOSED DEVELOPMENT .....

ESTIMATE TIME FOR CONSTRUCTION .....

9. THE APPROXIMATE NUMBER OF PERSONS TO BE HOUSED / EMPLOYED WHEN THE DEVELOPMENT IS COMPLETED .....

.....

SIGNATURE OF OWNER ..... SIGNATURE OF APPLICANT OR AGENT  
 (Both signatures are required if Applicant is not the Owner)

DATE ..... DATE .....

NOTE: This form should be completed and forwarded to the Council together with 2 COPIES of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

APPENDIX 13
SHIRE OF CAPEL
TOWN PLANNING SCHEME NO. 7
NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL
(CLAUSES 8.2.3(a) & (b))

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder—

LAND DESCRIPTION

LOT NO ..... STREET .....

PROPOSAL .....
.....
.....

Details of the proposal are available for inspection at the Council Office. Comments on the proposal may be submitted to the Council in writing on or before the—

..... day of ..... 19 .....

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

APPENDIX 14
SHIRE OF CAPEL
TOWN PLANNING SCHEME NO. 7
DECISION ON APPLICATION FOR PLANNING CONSENT (CLAUSE 8.3.4)

The Council having considered the application

Dated .....

Submitted by .....

On behalf of .....

hereby advise that it has decided to—

- REFUSE/GRANT APPROVAL - TO COMMENCE DEVELOPMENT
- TO DISPLAY AN ADVERTISEMENT

subject to the conditions/for the following reasons—

CHIEF EXECUTIVE OFFICER .....

DATE .....

NOTE: Any Council decision to grant approval is only valid for a period of two (2) years from the date shown on the decision, unless otherwise stated in the decision.

APPENDIX 15  
RESIDENTIAL PRECINCTS  
(Clause 5.3.7)

DESCRIPTION OF LAND AND PRECINCT NUMBER	DEVELOPMENT STANDARDS
Portion of Pt Lot 4402 and Pt Lot 2 Armstrong Street, Boyanup Precinct No. 1	<p>Subdivision—</p> <ol style="list-style-type: none"> <li>1. Subdivision shall be generally in accordance with the adopted Subdivision Guide and Development Plan numbered BY 94-04-10 dated March 1997 and the principles set out in the Scheme Amendment Report dated March 1996 for Amendment No. 35 to Town Planning Scheme No. 2.</li> <li>2. Council shall request that, as a condition of subdivision, the subdivider demonstrate to the satisfaction of Council, the Health Department of Western Australia, and Water and Rivers Commission that site conditions are satisfactory for the use of on-site effluent disposal systems designed for long term usage and where required a nutrient retention capacity.</li> <li>3. Council shall request that, as a condition of subdivision, that prospective purchasers of the lots will be advised in writing that a reticulated sewer system is not available to the lots and that the installation of an on-site effluent disposal system designed for long term usage and where necessary having a nutrient retention capacity to the specifications of the Health Department, the Water and Rivers Commission and Council will be required to service any new development on each lot.</li> <li>4. Council will request that as a condition of subdivision that the subdivider be required to contribute to the upgrading of the intersection of Hurst Road and the Boyanup-Picton Road to the satisfaction of Council and Main Roads WA.</li> <li>5. Council will request that as a condition of subdivision the subdivider contribute to the upgrading of Armstrong Street and Hurst Roads in the form of speed control devices, intersection channelisation and kerbing and drainage where lots front Armstrong Street.</li> <li>6. Council will request that as a condition of subdivision that the subdivider contribute to the provision of a dual use path that will link the subdivision area to community facilities.</li> <li>7. Management of the land reserved for 'Recreation' along Joshua Brook shall be in accordance with a management plan prepared by the subdivider and approved by Council which addresses such matters as fencing, stocking and provision of strategic firebreaks, and the future use of the Reserve for Recreation purposes.</li> <li>8. Fencing along the boundary between the Amenity Protection Area and the Reserve for Recreation shall be undertaken by the subdivider at the time of subdivision.</li> </ol> <p>Development—</p> <ol style="list-style-type: none"> <li>9. Development on lots adjoining the Joshua Brook Reserve for Recreation shall comply with the setbacks shown on the Subdivision and Development Guide Plan.</li> <li>10. Within the building area defined by the setbacks stipulated by the Residential Planning Codes and Provision 9 above, a maximum area of 1000m<sup>2</sup> can be cleared of natural vegetation to accommodate a single house and associated outbuildings and effluent disposal systems and this area will be termed the 'Building Envelope'.</li> <li>11. No clearing of vegetation shall occur within any lot that has not been issued with a building licence and an approved envelope location.</li> <li>12. No trees or substantial vegetation shall be felled or removed from a lot except where— <ul style="list-style-type: none"> <li>- required for approved development works;</li> <li>- the establishment of a firebreak as required by regulation or bylaw;</li> <li>- trees are dead, diseased or dangerous</li> </ul> </li> <li>13. Where boundary fencing is to be constructed it is to consist of post and 6 strand wire, ringlock, hinge joint or similar product. Asbestos, metal sheeting or wooden pickets or similar will not be permitted.</li> </ol>

DESCRIPTION OF LAND AND PRECINCT NUMBER	DEVELOPMENT STANDARDS
<p>Lot 2 South Western Highway, Boyanup Residential Precinct 2</p>	<p>14. Fencing not in accordance with Provision 13 above may be built within the building envelope for the purpose of attaining privacy. Such fencing shall be subject to approval by Council as part of a building licence application. When considering fencing proposed under this provision Council shall consider the visual impact of the fencing on the amenity and character of adjoining lots and the estate in general.</p> <p>15. No boundary fencing will be permitted within or across a drainage easement or areas providing strategic fire fighting access routes.</p> <p>16. Within the Amenity Protection Area defined on the Subdivision Guide and Development Plan—</p> <ul style="list-style-type: none"> <li>- Boundary fencing is not permitted</li> <li>- No building is permitted.</li> </ul> <p>Land Use—</p> <p>17. Notwithstanding the various uses of land referred to in Clause 3.2 of the Scheme the use of land within the precinct will be determined as follows—</p> <p>The following uses are permitted – “P”;</p> <ul style="list-style-type: none"> <li>- Single dwelling</li> <li>- Public Utilities and roads</li> <li>- Drainage</li> <li>- Recreation</li> </ul> <p>The following uses are not permitted unless Council has granted its Planning Consent – “AA”;</p> <ul style="list-style-type: none"> <li>- Home Occupation</li> <li>- Ancillary Accommodation</li> <li>- Bed and Breakfast Accommodation</li> <li>- Child Family Care Centre.</li> </ul> <p>All other uses are not permitted – “X”.</p> <p>Subdivision—</p> <ol style="list-style-type: none"> <li>1. Subdivision shall be generally in accordance with the adopted Subdivision guide and Development Plan numbered BY 91-46-6 dated July 1997 and the principles set out in the Scheme Amendment Report dated October 1996 for Amendment No. 36 to Town Planning Scheme No. 2.</li> <li>2. Council shall request that, as a condition of subdivision, the subdivider demonstrate to the satisfaction of Council, the Health Department of Western Australia, and Water and Rivers Commission that site conditions are satisfactory for the use of on-site effluent disposal systems designed for long term usage and where required a nutrient retention capacity.</li> <li>3. Council shall request that, as a condition of subdivision, that prospective purchasers of the lots will be advised in writing that a reticulated sewer system is not available to the lots and that the installation of an on-site effluent disposal system designed for long term usage and where necessary having a nutrient retention capacity to the specifications of the Health Department, the Water and Rivers Commission and Council will be required to service any new development on each lot.</li> <li>4. Council will request that as a condition of subdivision the subdivider be required to fence along the Preston River boundary to the specification and satisfaction of Council and the Water and Rivers Commission.</li> <li>5. A landscaping plan and works program shall be prepared by the subdividing landowner for the subdivision area and lodged with Council for approval prior to subdivision development works commencing.</li> <li>6. Council will request that as a condition of subdivision the subdivider be required to undertake landscaping in accordance with the approved plan to the satisfaction of council.</li> <li>7. The Council will request a bond at the subdivision stage to a value determined by Council is to be lodged with it to guarantee landscaping works and maintenance are undertaken in accordance with the endorsed landscaping plan.</li> </ol>



DESCRIPTION OF LAND AND PRECINCT NUMBER	DEVELOPMENT STANDARDS
	<p>8. Landscaping of drainage easements will not be permitted.</p> <p>9. Council will request at the subdivision stage a comprehensive drainage and fill design is to be prepared by the subdivider to the specification and satisfaction of the Council, Main Roads WA, the Water and Rivers Commission and Department of Land Administration.</p> <p>10. Council will request that as a condition of subdivision the subdivider be required to cede to the Crown a 0.1 metre wide P.A.W. along the South Western Highway frontage of Lot 2.</p> <p>11. Council will request that as a condition of subdivision the subdivider be required to close the existing access to South Western Highway by the removal of the gate and fencing across the accessway.</p> <p>12. At subdivision Main Roads WA will request the intersection of the subdivision road with South Western Highway be provided to its satisfaction and specification at the subdividers cost.</p> <p>13. Council will request as a condition of subdivision contribution by the subdivider towards the provision of a dual use path linking from the subdivision area to Turner Street, Boyanup.</p> <p>14. Council will request that as a condition of subdivision the subdivider be required to make arrangements satisfactory to Council to ensure all prospective purchasers of lots acknowledge in writing that the adjoining properties are used for farming purposes and the normal conduct of those activities may result in some nuisance to urban areas but Council acknowledges the right to continue such activities.</p> <p>Development—</p> <p>15. Where boundary fencing is to be constructed it is to consist of post and rail, post and ringlock or similar. Asbestos, metal sheeting or wooden pickets or similar will not be permitted.</p> <p>16. Fencing not in accordance with Provision 15 may be built behind setback lines and adjacent to a dwelling for the purpose of attaining privacy. Such fencing shall be subject to approval by Council as part of a building licence application. When considering fencing proposed under this provision Council shall consider the visual impact of the fencing on the amenity and character of adjoining lots and the estate in general.</p> <p>17. No boundary fencing will be permitted within or across drainage easements or areas providing strategic fire fighting access routes.</p> <p>18. No trees or substantial vegetation shall be felled or removed from the site except where—</p> <ul style="list-style-type: none"> <li>- required for approved development works;</li> <li>- the establishment of a fire break as required by regulation or bylaw;</li> <li>- trees are dead, diseased or dangerous.</li> </ul> <p>Land Use—</p> <p>19. Notwithstanding the various uses of land referred to in Clause 3.2 of the Scheme the use of land within the precinct will be determined as follows—</p> <p>The following uses are permitted – “P”;</p> <ul style="list-style-type: none"> <li>- Single dwelling</li> <li>- Public Utilities and roads</li> <li>- Drainage</li> <li>- Recreation</li> </ul> <p>The following uses are not permitted unless Council has granted its Planning Consent – “AA”;</p> <ul style="list-style-type: none"> <li>- Home Occupation</li> <li>- Ancillary Accommodation</li> <li>- Bed and Breakfast Accommodation</li> <li>- Child Family Care Centre.</li> </ul> <p>All other uses are not permitted – “X”.</p>

## ADOPTION AND APPROVAL OF THE SCHEME

The following endorsements are hereunto affixed as confirmation of compliance with the requirements of the Town Planning Regulation 1967 (as amended).

## Regulation 13(1)

The Scheme was adopted by Resolution of the Council of the Shire of Capel at the meeting of the Council held on the 29th day of September, 1995.

W. C. SCOTT, President.  
R. G. BONE, Chief Executive Officer.

## Regulation 17(2)

The Scheme was adopted by Resolution of the Council of the Shire of Capel at the meeting of the Council held on the 30th day of August, 1996.

W. C. SCOTT, President.  
R. G. BONE, Chief Executive Officer.

## Regulation 22(1)

In accordance with the resolution of the Council of the Shire of Capel at the meeting held on the 26th day of March, 1997 the seal of the Municipality was hereunto affixed in the presence of—

W. C. SCOTT, President.  
R. G. BONE, Chief Executive Officer.

## Regulation 22(2)

Endorsed by the Western Australian Planning Commission and submitted for final approval.

M. SCHRAMM, For Chairperson.

Dated 11 February, 1998.

Final approval granted.

G. KIERATH, Hon Minister for Planning.

Dated 14 February 1998.

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**PREMIER AND CABINET**


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**PR401**

## MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon. D. J. Shave, MLA in the period 16 to 21 March 1998 inclusive—

Minister for Lands, Fair Trading

Hon. P. D. Omodei, MLA

M. C. WAUCHOPE, Director General,  
Ministry of the Premier and Cabinet.

**PR402**

## APPOINTMENT OF DEPUTY OF THE GOVERNOR

It is hereby notified for public information that His Excellency the Governor, under clause XVI of the Letters Patent relating to the Office of Governor of the State of Western Australia dated 14 February 1986, has appointed the Lieutenant-Governor, the Honourable David Kingsley Malcolm AC, to be the deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor for the following period (both dates inclusive)—

20 to 24 March 1998.

M. C. WAUCHOPE, Director General,  
Ministry of the Premier and Cabinet.

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## RACING, GAMING AND LIQUOR

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**RA301\***

CASINO CONTROL ACT 1984  
**CASINO CONTROL (BURSWOOD ISLAND) (LICENSING OF EMPLOYEES)  
 AMENDMENT REGULATIONS 1998**

Made by the Governor in Executive Council.

**Citation**

**1.** These regulations may be cited as the *Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations 1998*.

**Principal regulations**

**2.** In these regulations the *Casino Control (Burswood Island) (Licensing of Employees) Regulations 1985\** are referred to as the principal regulations.

[\* *Published in Gazette 16 August 1985, pp. 2905-16.*  
*For amendments to 24 February 1998 see 1996 Index to Legislation of Western Australia, Table 4, p. 31, and Gazette 14 November and 12 December 1997.]*

**Regulation 11 amended**

**3.** (1) After regulation 11 (1) of the principal regulations the following subregulation is inserted —

“

(1a) A casino key employee or casino employee shall, other than where an exemption under subregulation (2) applies in relation to the employee, wear a form of individual identification approved by the Commission in such a manner as to be readily visible to other persons in the Casino.

Penalty: \$500.

”.

(2) Regulation 11 (2) of the principal regulations is amended by inserting after “subregulation (1)” the following —

“ and the employee from the requirements of subregulation (1a) ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

**RA401**

**BETTING CONTROL ACT 1954**

Notice is hereby given that the Betting Control Board has, pursuant to section 5(1a) of the Betting Control Act, authorised the conduct of betting at a “Calling of the Card” function to be held at the Trafalger’s Hotel, Bunbury on 18 March 1998.

Approved by the Betting Control Board this 10 March 1998.

B. A. SARGEANT, Chairman,  
 Betting Control Board.

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## STATE REVENUE

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**SX301\***

RATES AND CHARGES (REBATES AND DEFERMENTS) ACT 1992  
**RATES AND CHARGES (REBATES AND DEFERMENTS) AMENDMENT  
 REGULATIONS 1998**

Made by the Governor in Executive Council.

**Citation**

**1.** These regulations may be cited as the *Rates and Charges (Rebates and Deferments) Amendment Regulations 1998*.

**Regulation 4 repealed and a regulation substituted**

2. Regulation 4 of the *Rates and Charges (Rebates and Deferments) Regulations 1992\** is repealed and the following regulation is substituted —

**Allowances prescribed for the purposes of section 23**

4. Under section 23 (1) (aa) (v) of the Act the following allowances are prescribed for the purposes of section 23 of the Act —

- (a) the Mature Age Allowance;
- (b) the Mature Age Partner Allowance;
- (c) the Parenting Allowance;
- (d) the Partner Allowance; and
- (e) the Widow Allowance.

[\* *Published in Gazette 26 June 1992, p. 2809.*  
For amendments to 23 February 1998 see 1996 Index to Legislation of Western Australia, Table 4, p. 226, and Gazette 24 June 1997.]

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

**TREASURY****TY401****SMALL BUSINESS GUARANTEE ACT 1984**

In accordance with section 4 (3) of the Small Business Guarantee Act, 1984 it is hereby notified that the maximum amount in which the Minister may Guarantee under Section 4 (1) of the Act during the years ended 30 June 1998 and 30 June 1999 is the sum of one million dollars (\$1,000,000).

RICHARD COURT, Premier and Treasurer.

**WATER****WA401\*****RIGHTS IN WATER AND IRRIGATION ACT 1914**

Notice under Section 13 of the Act

[Regulation 14(1)]

The Water and Rivers Commission has received the applications listed below to take and use surface water. Any owner or occupier of land within 4.8 kilometres of the applicants land and contiguous to the watercourse may object to that application.

Objections should be sent to reach myself at the—Water & Rivers Commission, PO BOX 261, BUNBURY WA 6231 prior to 3 April 1998 by certified mail.

W. F. TINGEY, Regional Manager,  
South West Region.

- (1) Applicant: B.T.Simm  
Property: Lot 2/1221 Preston Road, Wellington  
Watercourse: Lyalls Mill Creek
- (2) Applicant: D.C. & B.M. Smith  
Property: Lot 1/1221 Preston Road, Wellington  
Watercourse: Lyalls Mill Creek

**PUBLIC NOTICES****ZZ404****DISSOLUTION OF PARTNERSHIP**

I, Suzanne Patricia Ottrey hereby inform Alan Robert Ottrey and Isobel Barabra Ottrey the partnership W.A. Yandina Farms was dissolved Tuesday 3 March 1998.

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